SENATE—*Thursday, June 1, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 8:30 a.m., and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Father in Heaven, times like these remind us of the ancient prayer of St. Francis of Assisi:

"Lord, make me an instrument of Your peace; where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

"O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life."

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 1, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders and a period for morning business, the Senate at 9 o'clock this morning will begin consideration of H.R. 2072, the supplemental appropriations bill. Rollcall votes are expected throughout the day, and Senators who intend to offer amendments should be ready to do so promptly this morning since it is my hope that we will complete action on this bill by 5 o'clock this afternoon.

From noon until 12:30 p.m., in the rotunda of the Capitol, there will be a memorial ceremony for former Congressman Claude Pepper.

I encourage all Senators to attend this tribute to a great public official, and a great American.

While the Senate will continue in session during that time, there will be no rollcall votes during the time in which the ceremony occurs. Therefore, I encourage all Senators to attend that ceremony in honor of Congressman Pepper.

PUERTO RICAN STATUS

Mr. MITCHELL. Mr. President, today the Senate Committee on Energy and Natural Resources begins consideration of legislation to authorize a referendum of the people of Puerto Rico on that island's political status.

Puerto Rico has been part of the United States since Spain ceded the island to this country following the Spanish-American War.

The Foraker Act of 1900 made the island an unincorporated territory and Puerto Ricans have had American citizenship since 1917.

Puerto Rico remained a territory until 1952, when it assumed its present commonwealth status. The island has self-government but recognizes the preeminence of the U.S. Government in matters of national defense, foreign affairs, and currency, among others.

Puerto Rican voters elect a bicameral house, a Governor and a nonvoting delegate to Congress. They do not vote in Presidential elections, however.

The most important issue for Puerto Rico has always been the question of status. The status options of statehood, commonwealth, and independence are each supported by a major political party in Puerto Rico. In fact, the status question is central to each party's platform and philosophy.

The last time the question of Puerto Rico's status was before voters, in a 1967 referendum, 60 percent of Puerto Ricans favored retaining commonwealth status, 39 percent favored statehood and less than 1 percent favored independence.

Activities regarding Puerto Rico's determination of its political status have intensified this year. In January, the leaders of Puerto Rico's three major political parties agreed to ask Congress to authorize a plebiscite on Puerto Rico's status.

In February, during his State of the Union Address, President Bush affirmed self-determination for Puerto Rico and indicated he preferred statehood.

In March, Senator JOHNSTON said the Energy Committee would consider Puerto Rican plebiscite legislation this year so the plebiscite could occur prior to the 1992 elections. And Senator JOHNSTON and Senator MCCLURE have introduced three bills—S. 710, S. 711, and S. 712—that will facilitate congressional consideration of this issue.

Senator JOHNSTON in previous floor statements has discussed the particulars of each of the three bills; there is no need for me to repeat that discussion.

But, I do wish to repeat and endorse the ambitious schedule that has been proposed by Senator JOHNSTON, chairman of the Energy Committee.

The process will start with 3 days of committee hearings on the different options in Washington on June 1, June 2, and June 5. The committee will then hold field hearings in Puerto Rico on June 16, June 17, and June 19. Following that, the committee will hold additional hearings to receive the views of the administration on July 11 and 13. Other outside witnesses will be able to testify later in July.

Under Senator JOHNSTON's scenario, the House would consider this subject in 1990.

The issue of Puerto Rican status is wide-ranging, complex and very difficult. This issue is of paramount importance to the people of Puerto Rico. Each of the status options carries profound implications for this country. I urge my colleagues to carefully study each of the three status options.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I commend the chairman and ranking minority member of the committee, Senator BENNETT JOHNSTON of Louisiana, and Senator JAMES MCCLURE of Idaho, for the way in which the Energy Committee is beginning its consideration of this important subject, to highlight its importance to my colleagues, and to pledge my cooperation in moving this legislation through the Senate.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time.

I reserve also the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggested the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

ELYA VARSHAVSKAYA

Mr. HATCH. Mr. President, in this new era of glasnost and perestroika, it seems particularly tragic that the Soviet Union continues denying their citizens the fundamental right of family reunification and free movement. Yet such is the plight of Elya Varshavskaya, a 74-year-old Jewish citizen of the Soviet Union who for 12 years has been denied permission to join her only son, residing in Denmark, on the basis that she possesses state secrets.

Mrs. Varshavskaya has not been employed since 1948 when she fell ill and was retired as a lifetime second category invalid. The secret work she did 40 years ago has long lost any significant value, but the authorities persist in victimizing her. She has even tried to seek justice through the courts, yet the authorities refuse even to allow her to discuss her own case. As a woman who is suffering from all the illnesses of her age, including deteriorating eyesight, Mrs. Varshavskaya is in desperate need of her son's care and support.

The recent visit by Secretary of State James A. Baker III to the Soviet Union resulted in commitment between our two countries to expand cooperation in the area of human rights. Moreover, the Soviets have agreed to codify new laws regarding the emigration of Soviet Jews.

While we welcome these proposed changes, the continued denial of the right of free emigration for many Soviet Jewish citizens such as Mrs. Varshavskaya remains a critical stumbling block to improved relations between our two countries. We call upon the Soviet Union to show us their commitment to glasnost and perestroika by improving their record on human rights and by guaranteeing to all citizens the freedom to choose how and where they will live their lives.

ANATOLY GENIS

Mr. HATCH. Mr. President, for over 12 years Anatoly Genis has been denied permission to emigrate from the Soviet Union with his wife, Galya, and their three children. The plight of the Genis family illustrates the desperate situation facing all Soviet refuseniks.

Anatoly and his wife are both mathematicians. Anatoly's specialty is in the theory of probability, and although he holds a doctorate degree from Moscow University, he has not been able to work in his field since he applied for an exit visa in 1977. Perhaps most tragic is the fact that the grounds given for denial to emigrate are those of possessing state secrets—something Anatoly has not been privy to for over 12 years.

Whenever possible, Anatoly attends scientific seminars for refuseniks in Moscow in an attempt to retain his academic ability while working 14 hours a day as a menial laborer. But trying to maintain any semblance of normal life is taking its toll. The entire family is suffering from stress-related diseases as a result of the hardships and religious persecution they have endured while waiting for exit visas. Mrs. Genis is so ill she can no longer care for the children.

The plight of the Genis family is not unique, but it does illustrate the serious problems that persist in the Soviet Union. The Soviet leadership must strive to abide by its international responsibilities in the area of human rights and allow families such as those of Anatoly Genis their fundamental right to choose where and how they will live.

NATIONAL BICENTENNIAL COMPETITION ON THE CONSTITUTION AND BILL OF RIGHTS

Mr. BIDEN. Mr. President, nearly 2 years ago Americans celebrated the 200th anniversary of the Constitutional Convention. In another 2 years we will mark the 200th anniversary of the Bill of Rights. These celebrations have been more than mere hoopla, more than parades and fireworks. We have witnessed instead a concerted effort—led by the Bicentennial Commission—to educate America's youth and all the American people about the U.S. Constitution.

One very important program is the National Bicentennial Competition on the Constitution and Bill of Rights. I am proud to recognize a group of students from Middletown High School in Middletown, DE, under the guidance of teacher Thomas Neubauer, who recently participated in the national finals of this competition. I want to congratulate the outstanding efforts of Beverly Dant, Brian Ford, Brent Kane, Donna Lavigne, Rebecca McAlpin, Teresa Payne, Amy Pennington, Albert Rhodes, Betsy Shulenberger, Dawn Smith, Karen Sommers, Melissa Wilmoth, Demar Beck, Ike Henry, and David Bright. I also want to recognize the contributions of district coordinator Donald Knouse and State coordinator Lewis Huffman.

It has been said that every country has some form of a constitution. But, the U.S. Constitution is unique. With its intricate system of checks and balances and its soaring phrases like "due process" and "liberty," our Constitution has endured for more than 200 years. But, that 200-year history has not always been a smooth one. Preserving the principles of that document have required vigilant protection—protection against civil war and protection of civil rights; protection against the establishment of religion and protection of the freedom of religion; protection against individual tyranny and protection of individual privacy.

This vigilance must continue if the Constitution is going to continue to protect us in the future. Through developments in technology and society, the Constitution will come under new challenges—challenges undreamed of in the Framers' day and challenges unheard of even in our day. Through these advancements, as Big Brother's eyes get bigger and bigger, individual liberties will face ever-growing threats. We must be prepared to defend our values against those threats. With a proper understanding of the Constitution, the future American leaders at Middletown High School and other high schools across the country will be prepared to protect our values and our liberties. They will be able to meet the future challenges under the Constitution.

DIXON TERRY

Mr. LEAHY. Mr. President, today at 2 p.m. central time the country will pay its final respects to a truly remarkable spokesman for family farm-

ers in America and worldwide, Dixon Terry. Dixon was tragically killed by lightning on Sunday, May 28, while working with his father and son baling hay on their Iowa farm. I would like to take this opportunity to reflect for a moment—for the record—on what Mr. Terry's life stood for.

Anyone who says farmers cannot work together to help themselves should have known Dixon Terry. He was tirelessly devoted to building coalitions among farmers—here and abroad. At his death, he was a leader in the Iowa Farmers Union and national head of the National Save the Family Farm Coalition, with over 40 member groups.

Anyone who says that Farmers Home Administration programs are a waste of money should have known Dixon Terry. He was a classic success story of a limited resource borrower who, through hard work and determination, built up a dairy operation with a very respectable 19,000-pound herd average.

Anyone who says that farmers are not concerned about the environment should have known Dixon Terry. Dixon's last trip to Washington, DC, included participation in an Environmental and Energy Study Institute panel in which he described his own farming operation. Dixon's farm operation included rented land on which he used traditional chemical practices, but on his own land he used low input techniques. His farm was a living laboratory, and when drought hit Iowa last year, Dixon was able to compare crop yields and quality. He came to Washington more convinced than ever that low input sustainable agriculture, or LISA, is critical to maintaining the productive future of American agriculture.

Dixon Terry stood for sustainability—of family farms and of precious soil and water resources. He stood for stability—of agricultural markets, of rural communities, and of family values.

Dixon Terry was a good farmer, a good husand to his wife, Linda, a good father to his daughter, Willow, and his son, Dusky. He was a strong member of his community of Greenfield, IA, an articulate and forceful spokesman for family farms, and a friend. We will all miss him—as we move into deliberations on the next farm bill, I ask my colleagues to remember the goals that were characterized by Dixon Terry's life.

AIKEN, SC, HIGH SCHOOL GRADUATION SPEECH

Mr. THURMOND. Mr. President, I rise today to bring to the attention of my colleagues the graduation speech made by Tommy Young, president of the student body at Aiken High School in Aiken, SC.

I believe this speech holds valuable meaning for all Americans, and I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the graduation speech was ordered to be printed in the RECORD, as follows:

GRADUATION SPEECH BY TOMMY YOUNG, STUDENT BODY PRESIDENT, AIKEN HIGH SCHOOL, AIKEN, SC, MAY 19, 1989

Good morning! First of all, I'd like to begin this morning by thanking you all for giving me temporary custody of an institution called the presidency which belongs to the people. Having temporary custody of this office has been for me a sacred trust and an honor beyond words or measure. That trust began with many of you in this room last year. Several times I've said a prayer of thanks to all of you who placed this trust in my hands, and today, please accept again my heartfelt gratitude for this special time you have given in my life. To put it simply, it has been a sincere honor and a privilege to serve you this year.

When we began our term of office, we made no promises, we simply made a commitment, a commitment to do our best in every given situation. Reflecting back upon this year, we honestly believe that we met this commitment in serving you. We may not have accomplished everything that we wanted, but friends, we finished what we started and we attempted to lead by example. If nothing else positive comes out of this presidency this year, for us to be remembered simply in the eyes of our peers as people who gave their best in getting the job done, then no greater satisfaction can come our way because that is all that we started out to do.

However, from a personal perspective, I for one, have gained something more. Someone once said that "a man can measure his wealth by the number of friends that he has." If this is true, then I am one of the richest men in the community because I consider all of you my friend in one way or another. I thank ya'll from the bottom of my heart for being there when I needed you through the course of this school year.

To the graduating seniors, I wish all the best in your future endeavors. We have almost made it through the first stage in the cycle of life. And to this year's underclassmen, there is much to be done here at Aiken High School. The class of 1990 will mark the beginning of a new century; a new era in which the sky is the limit to what can be accomplished by those who are willing to pay the price to succeed. So, before I conclude, allow me to adopt a famous quote from one of our late presidents to Aiken High School. In the immortal words of John Kennedy adopted to Aiken High School, I say to you today, "ask not what Aiken High School can do for you; ask what you can do for Aiken High School." I challenge each and every one of you to take notice of these words and become involved in building a better school and community for the children of tomorrow.

Finally, I would like to convey a special thanks to the people to whom I am grateful for all they have done. To all the members of the student body, faculty, and administration, thank you for the undying support. To Mrs. Boylston, Frau Moore, Mr. Lader, Mr. Turner, Ms. Laramore, and Mr. Gassman, thank you for all your advice and encouragement. And, most of all, I thank my Mom and Dad for all their support, encouragement, understanding, guidance, and love throughout the course of this year and the rest of my childhood as well. So, as we, by tradition, bring this presidency to a close, I wish Rebecca and her officers all the best next year and close by saying thanks again for everything.

Thank you and God bless you.

DEATH OF CLAUDE PEPPER

Mr. CONRAD. Mr. President, seldom has our Nation ever known someone so dedicated to public service as was Claude Pepper. He was an institution—an eloquent, passionate, principled public servant dedicated to making life better for each and everyone of us. He was a man who never lost sight of who he was or of what is important in life.

Claude Pepper's work has touched the lives of all Americans. His efforts on Social Security, mandatory retirement, health care, and civil rights have left an indelible mark on our society. He sponsored the bill that created the National Cancer Institute. He sponsored the Older Americans Act. And he sponsored and advocated countless intiatives that will have lasting influence over our lives.

Claude Pepper fought for his beliefs up until the very end. Just last year he fought vigorously to ensure that long-term care is made available to all those who need it. But he died before that dream of his could be realized.

As he debated his long-term care bill before the House of Representatives, his passion for improving the lives of America's elderly shone through as clearly as ever. During that debate, he spoke these words:

I ask you, my colleagues, when you go home tonight and you close your eyes and you sleep and you ask, "What have I done today to lighten the burden upon those who suffer," at least you could say, "I helped a little bit today; I voted to help those who needed help."

He went on the say, "* * * do not be fooled by technicalities or little things that are not important. Think about the human values involved in this matter and vote to help those people who need help without hurting anybody while you are doing it."

Claude Pepper's calling was to ease the burdens of those who suffer—to improve the quality of life for every American. Whether or not you agreed with him on a particular issue, you always were made to respect the intensity with which it was felt and the eloquence with which it was expressed.

Claude Pepper will be sorely missed, both here on Capitol Hill, and by people throughout the United States. But he will be fondly remembered for many years to come.

And we in Congress would do well to find a way to realize his dream of long-term health care for every American, and to work every day to make life

just a little bit better for the people we have been sent here to serve.

TRIBUTE TO CONGRESSMAN CLAUDE PEPPER

Mr. HEFLIN. Mr. President, I rise, today, filled with sadness, to pay tribute to my good friend and an American statesman in the grand tradition of the term—Congressman Claude Pepper. His death on Tuesday saddened all who knew him and signaled the end of one of the greatest legislative careers in the history of this Nation. I have said before, the name Claude Denson Pepper belongs among the legends of the U.S. Congress. Today this rings true as thousands of people mourn his death. Today, many of these people will travel to Washington to stream past his body which will lie in state in the Capitol rotunda. To each of these people, Claude Pepper stands for all that is good in our Government.

Claude Pepper was born to poor farming parents in Chambers County, AL, but worked himself through school and now takes his place in history following a distinguished career in government that spanned over half a century. Few men I know have the dedication and commitment to public service that Claude Pepper showed during his years in Congress.

Even as a young man, Claude Pepper championed the rights of this country's elderly. Pepper began his drive to help older people in the Florida Legislature at the age of 28 when he introduced a bill allowing people over 65 to fish without a license. Almost 60 years later, Claude Pepper was still fighting for senior citizens and for medical research. I am hopeful his accomplishments and memory will spur Congress and the executive branch toward the achievement of his aspirations and goals for older Americans as well as finding cures for many dreaded diseases.

For 88 years Claude Pepper watched this country change and grow. He served the Government and his constituents for 53 years—over one-fourth of the U.S. history. From his boyhood farm near Dudleyville, AL, Claude Pepper rose to the U.S. Senate and to the peak of leadership in the House of Representatives. He served as the chairman of the House Select Committee on Aging but perhaps more importantly as the chairman of the House Rules Committee. It was from the Rules Committee that he controlled which bills were sent to the House. He used his influence here to push important legislation to aid the elderly and the poor.

After working his way through the University of Alabama and graduating with honors, Claude Pepper went to Harvard Law School. He graduated among the top 6 in his class while earning his lifelong nickname of "Senator." He began his career before college as a teacher in Dothan, AL, and continued it as a law professor at the University of Arkansas in 1925.

Claude Pepper has played a large role in shaping this country in the 20th century. His legacy will reach into the 21st century and beyond. All of us should learn from his example and gain inspiration from his devotion. His character and his integrity are beyond compare and his presence in the House of Representatives will be missed. It is my hope that there will always be someone of equal ability and energy to champion the cause of our senior citizens. Claude Pepper is indeed a credit to Alabama—the State of his birth—Florida, the U.S. Congress and to our Nation.

INAUGURATION DAY IN EL SALVADOR

Mr. HELMS. Mr. President, today is an important day in the history of El Salvador. Today, June 1, 1989, Alfredo Cristiani of the Arena Party has taken the Presidential oath of office, having been swept into that post by a landslide vote of the Salvadoran people this past March 19. I congratulate President Cristiani and the Salvadoran people for this important step forward toward strengthing democratic principles and toward restoring Salvadoran society. For the first time in many years, the Salvadoran people can hope for peace and justice.

Mr. President, this is truly a victory for the people of El Salvador. For the past 8 years, these courageous people have been subject to the United States-imposed socialist reforms, a brutal civil war waged by the Soviet- and Cuban-supported Communist FMLN, and more lately the blatant corruption of the Duarte regime. But by giving an overwhelming majority to Cristiani and his Arena Party, the Salvadorans have made it clear that they are demanding a change.

Mr. President, I have been very perturbed by the media coverage given to El Salvador and President Cristiani since his victory. There are some in the major media that are misinformed enough to think that the socialist land reforms imposed by the Duarte regime have helped bring justice and equality to El Salvador, and indeed many in this very Congress appear to believe the same thing. However, that scenario is far from the truth, and for that reason I would like to take some time today to describe to my colleagues just what has been happening in El Salvador since the United States-sponsored coup of 1979.

U.S. WAR AGAINST DEMOCRACY

Mr. President, for 10 years, the United States has spent billions of dollars—indeed, over $3 billion—in an attempt to create a movement for a political "center" in this Vermont-sized Latin American country. Instead, the United States ended up supporting a war against democracy and constitutionalism and against the principles of free enterprise, private property, and the market economy.

In October 1979, with the support of the United States and then-President Carter, hard leftwing elements of the Salvadoran military staged a coup and overthrew the constitutional ruler of El Salvador, Gen. Humberto Romero Mena. President Carter, who had celebrated a "victory" in Nicaragua with the overthrow of President Anastasio Somoza, had turned his sights on El Salvador as an object lesson for his policy of eliminating dictators in Central America.

After the coup in El Salvador, a series of juntas were installed during the latter part of 1979 and the early part of 1980. Each junta was leftist in nature, mostly representing the soft left-of-center Marxists and hardcore leftist Marxist-Leninists. Conspicuously absent from representation in the junta, Mr. President, were elements of the country that were anti-Communist and profree enterprise.

THE DUARTE JUNTA

In December 1980, Jose Napoleon Duarte was appointed as head of the final junta. Mr. President, the policymakers at State were overjoyed, for Mr. Duarte was a socialist through and through. In the late 1970's Mr. Duarte published his book, "Communitarianism for a More Human World," in which he stated "capitalism is not acceptable." In concert with the U.S. Department of State, which found his philosophy palatable, Mr. Duarte and his government began a major economic restructuring plan that included nationalization of the central banks, a system of agrarian reform and land redistribution, and a nationalization of the major export industries.

Mr. President, within a short period of time, as a result of these reforms, the Armed Forces of El Salvador were evicting rightful owners from their property as part of an effort to dismantle what the State Department termed as "the oligarchic exploiters of the 14 families." For years, there were many critics of El Salvador who charged that the power of the country laid in the hands of a small number of powerful families. Thus, the policymakers reasoned—illogically, in my view—that if these families were made politically impotent and their wealth distributed to the poor, then the Communist guerrillas, the FMLN, who had formed in Havana in 1980, would have no reason to continue their insurrection. According to this radical view, the claims of economic subjugation would have been eliminated.

DISTRIBUTION OF WEALTH

Unfortunately, Mr. President, the bureaucrats at the Department of State were misinformed about the distribution of wealth in Salvador. The propaganda statistics provided to the general populace by the policymakers stated that, in El Salvador, 10 percent of the people owned over 78 percent of the land. Mr. President, I suppose that if there were no reference point then this figure, taken at face value, would indicate a vast disparity on the distribution of wealth. However, if the same test is applied to the United States, the results are remarkably similar to that in El Salvador.

A study done by the U.S. Department of Agriculture Bureau of Natural Resources Economic Division concluded that in the United States, 5 percent of the people own over 75 percent of the land. Yet there are no cries that the United States has unfair land distribution policies. As it happened in El Salvador, there were not 14, but thousands of small landowners, and they became outraged at the land redistribution polices of the Duarte government.

Mr. President, the effect of these United States-sponsored reforms were chilling. At first, there was a general state of "lawlessness" that evolved from the outright indignation of the Salvadoran people over United States economic intervention. Ordinary landowners and businessmen took to the streets and protested, demanding a return to fundamental concepts of private property that was once the guiding force behind the Salvadoran economy.

THE ECONOMY TODAY

Tragically, Mr. President, the second effect is still being felt. These reforms had exactly the opposite economic effect of what was originally intended. El Salvador, which until 1979 had a thriving economy, was plunged into the throes of a socialist depression. In the past 10 years, productivity has been cut by 30 percent, and is now at the level of a quarter century ago. Exports have fallen by 50 percent, and the combination of unemployment and underemployment exceeds 50 percent, despite the fact that 10 percent of the population has emigrated in the past decade. President-elect Cristiani, during a recent trip to Washington, stated that El Salvador has been transformed from a "self-sufficient economy to a dependent economy—dependent on millions of dollars of American economic and military aid."

At the time of the coup in 1979, there was a strong Communist element in El Salvador, supported mostly by a tiny minority of intellectuals, Cubans, and the Soviet Union. The Communists constituted a force that was powerful in the early juntas, but when Jose Napoleon Duarte took control in December of 1980, the Communist elements charged that Mr. Duarte was a mere "pawn" of the State Department. Therefore, they withdrew and formed a guerrilla insurgency called the Farabundo Marti Liberation Front [FMLN]. The founding meeting, as I pointed out, took place in Havana under Castro's direction.

THE FMLN'S COWARDLY WAR

Mr. President, throughout the 1980's, the FMLN has engaged in a brutal, cowardly war against the people of El Salvador, and against the political and economic infrastructure of that tiny country. These thugs are responsible for the deaths of many innocent civilians, and many governmental leaders as well. In early 1981, they announced the commencement of their "final offensive" against the government, designed to replace the pathetic, corrupt social democracy that existed in El Salvador at the time with a Soviet model Marxist-Leninist dictatorship.

Mr. President, there are many in the major media—and indeed in this Congress—that would have the American people believe that these lawless bands are popular among the people of El Salvador. However, the number of guerrillas has never exceeded 10,000, a statistic which translates into less than 1 percent of the population.

Some believe that the U.S. policy has been driven by a desire to stop Communist expansion in Central America. This has led many in this body to support and fund the socialist policies imposed by Duarte and his allies in the name of anticommunism. In fact, the State Department and the CIA have been among Duarte's strongest supporters.

THE CENTRAL ISSUE

Unfortunately, Mr. President, the central issue has been missed. The real struggle in El Salvador is the struggle between the forces of capitalism and the forces of socialism, between true democracy and cosmetic democracy, and between progress and stagnation.

Popular opposition to the Socialist reforms instituted by Duarte gave rise to a new political party, the Republican Nationalist Alliance, which is known by its Spanish acronym, ARENA. Originally, ARENA was to be formed as a political party at the end of February 1982. However, 2 days prior to this event, a calculated attack was made against the party leaders. As the members were leaving party headquarters in San Salvador on the night of February 26, a car sped by and opened fire upon them. There were no deaths, but, there were several injuries. Many observers in El Salvador believe that this attack was the work of the so-called green squads, a group of pro-Duarte paramilitary troops who were opposed to the new ARENA Party—green is the party color of the Christian Democrats. Due to this incident, the official registration of the ARENA Party had to be postponed until later in 1982.

ARENA WINS IN 1982

Mr. President, despite opposition from the United States, the Salvadoran people gave a majority of seats to the ARENA Party in the Constituent Assembly elections in late 1982. This allowed ARENA to play a major role in the formation of the new Salvadoran Constitution, which was specifically designed to prevent a repeat of the United States-sponsored illegality of 1979.

Unfortunately, Mr. President, the U.S. bureaucrats who formulate U.S. policy in Latin America immediately saw Arena and its charismatic and flamboyant leader, Roberto D'Aubuisson, as a threat to their plans to socialize the country, and devised a plan to discredit them.

MAJOR D'AUBUISSON

Mr. President, Major D'Aubuisson is the object of scorn to many of the Latin American policymakers at the State Department. I hold no particular brief for any politicians in El Salvador. My belief is that the United States should stay out of elections in countries where there is a viable multiparty system. But it is clear that an overwhelming number of Salvadorans look on Roberto D'Aubuisson as the champion of democracy in El Salvador. An ex-army intelligence major, he was the driving force behind the 1982 Salvadoran Constitution when he was the elected President of the Constituent Assembly.

He has stated many times that there are three keys to a successful El Salvador: First, a constitution that is respected and adhered to and revered, much like it is in the United States; second, a strong multiparty system in which a true representation of the Salvadoran people can be expressed; and third, a complete and total elimination of the Communist and other antidemocratic forces of the FMLN, either militarily or politically. In addition, he has championed the principles of capitalism and free enterprise as the only way for El Salvador to liberate itself from the economic domination of the United States.

Major D'Aubuisson is, in the view of Salvadorans, the individual most reponsible for bringing democracy to El Salvador. By founding the ARENA Party, of which he is the honorary president-for-life, he brought to the Salvadoran people a true choice between the socialism of Duarte and the United States and the nationalistic ideals espoused by his ARENA Party.

Mr. President, immediately after the founding of ARENA, the State Department and the CIA devised a plan by which the ARENA Party and Major D'Aubuisson would be discredited. The policymaking bureaucrats at

the State Department put out charges that ARENA was a party of the "oligarchic 14 families" and that Major D'Aubuisson was a leader of the "death squads" that had been in operation during the first years of the Duarte junta.

The information regarding Major D'Aubuisson came from two highly suspect sources: First, the charges made by former United States Ambassador to El Salvador Robert White during a Senate hearing, which, at a later date, he was forced to recant, and second, the fact that during the early years of the Duarte junta D'Aubuisson was often seen on television, making known to the public the names of suspected Communists and Communist sympathizers.

THE "DEATH SQUADS"

Mr. President, the issue of "death squads" in El Salvador is a much publicized and sensationalized issue. During the early 1980's, starting with the death of Salvadoran Archbishop Oscar Romero on March 24, 1980, there were many people who were killed for apparently no reason, and their bodies dumped by the side of the road. The United States Government and the leftist elements in El Salvador blamed these deaths on so-called rightwing death-squads. They attempted to portray these unexplained deaths on an organized effort by the rightwing to eliminate opposition elements. At the center of the charges was Major D'Aubuisson, who some asserted was the mastermind of the murders of these people, and more specifically with the death of Archbishop Romero.

However, there has never been any confirmed evidence that links Major D'Aubuisson to this terror, nor has he ever been charged. Indeed, I have requested many times that the State Department and the CIA provide me with any information linking Major D'Aubuisson to these co-called death squad activities. Unfortunately, Mr. President, I have never received a response. This only confirms my suspicions that the charges against Major D'Aubuisson are political in nature, and that they have no basis in fact.

U.S. "DEATH SQUADS"

Mr. President, it is unfortunate that in the past years El Salvador has lived in a culture of violence. Our own country's political system has escaped that curse in our century, but smaller nations, plagued by social, political and economic instability, have not always maintained the stable framework necessary for social peace.

More recently, we, too, have seen "death squads" operating in U.S. cities, particularly as our society has been eroded by drug trafficking. We have seen such killers operating freely even in our Nation's Capital, with civil authorities unable or unwilling to act. We have our own death squads, just as deadly, operating in the drug wars of this city, targeting one or two persons every day. Before we leap to criticize the problems of another society, we need to clean up our own.

The guerrillas in El Salvador have been a deadly solvent, undermining the economic and social structure. The "death squad killings" have occurred all across the political spectrum in a random manner. It is difficult even to characterize many of these killings as political; nevertheless, ARENA itself has suffered more from the hands of killers than all the other political parties. More assassinated members of the Constituent Assembly, party officials, and mayors of the cities have belonged to ARENA than any other political party.

Mr. President, I ask unanimous consent that a list of ARENA party members assassinated by death squads or attacked violently be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, the new President of El Salvador, Alfredo Cristiani, has pledged to restore order to Salvadoran society. I am convinced that he will not tolerate the operation of "death squads" from the left, center, or right.

Mr. President, it is also important to note that President Duarte was in office for 5 years, and during that time he had at his disposal all the relevant law enforcement agencies, yet he never had enough information against D'Aubuisson to warrant charges.

THE 1984 ELECTION

In 1983, the Constituent Assembly announced that a Presidential election would take place in 1984. At the time, El Salvador was ruled by provisional President Dr. Alvaro Magana, who was, in 1982, appointed by the National Assembly to be head of the transitional government.

Mr. President during the election period, the United States stepped up its propaganda campaign. In December of 1983, Major D'Aubuisson, who was the Presidential candidate of the ARENA Party, was twice denied a visa to the United States under the excuse of "not wanting to bring the Salvadoran election to the United States," although during this same period candidate Duarte traveled to the United States several times. Americans were told that D'Aubuisson was a "murderer" and a "death-squad leader of the rightwing." Some of D'Aubuisson's supporters in the United States came under fire for their support, and the Salvadoran people were told, in no uncertain terms, that if D'Aubuisson were elected, economic and military aid would cease. But no proof was ever presented.

U.S. FINANCING OF DUARTE'S ELECTION

Mr. President, in addition to this campaign of disinformation, the CIA, through various Salvadoran and international organizations, diverted some $2 million into the campaign of Jose Napoleon Duarte, the candidate of the Christian Democrat Party. The bulk of this illegal aid went mostly to San Salvador, where support for the ARENA Party was strong, in order to influence the population of El Salvador's largest city.

In El Salvador, if no candidate receives a clear majority in the first round, a second round is held. Independent opinion polls showed that D'Aubuisson was the front runner. However, in the first round of the March 1984 Salvadoran elections, neither Duarte nor D'Aubuisson received a clear majority, so a runoff was scheduled for May 6, 1984.

Mr. President, during the period of time between the first round and the runoff, the administration realized that the future of their Salvadoran policy was hanging in the balance. Therefore, they instituted some new policies aimed at strengthening the Duarte platform. Then-Ambassador to El Salvador Thomas Pickering had private meetings with officials of the Duarte campaign to map strategy and plan rallies, and officials of the ARENA Party were told not to expect the support of the United States should they be victorious on May 6.

Despite the massive effort of the United States, D'Aubuisson remained the most popular leader in El Salvador, and the election was much closer than expected. He received a large plurality in 13 of 14 political "departments"—states. However, because of United States electioneering and Duarte's control of the vote-counting machinery in San Salvador, where Duarte's son was mayor, the Christian Democrats had enough support to certify Duarte as the victor.

Mr. President, this information is important because it shows that the United States had taken the unprecedented step of openly and financially supporting a candidate in a foreign election, a candidate who supported political concepts U.S. citizens would never support. While giving active lipservice to democracy, the United States was indeed making certain that El Salvador remained a one-party state.

THE FAILURE OF THE CHRISTIAN DEMOCRATS

Unfortunately, Mr. President, the predictions made by Major D'Aubuisson about United States-imposed socialism came true during the tenure of Mr. Duarte. This socialism led to the increasing abandonment by the Salvadoran people of the Christian Democrat Party.

The land distribution program, hailed by the United States and Salva-

doran leftists alike as necessary to promote justice and equality, was exposed as a fiasco. The nationalization of exports also proved to be a disaster, causing many Salvadorans to lose their jobs and sustenance due to state-controlled prices below production costs. The result was declining foreign purchases.

Perhaps the most interesting part of the equation, however, was that the civil war, then at the height of its intensity, did not disappear as bureaucrats claimed it would. The war continued unabated, and it became obvious that the Salvadoran people were increasingly skeptical of the promise of peace that the Salvadoran Government still made.

This discontent led to increasing support for the ARENA Party and its flamboyant leadership. In the 1988 Constituent Assembly elections, despite United States warnings about aid similar to those made in 1984, the Salvadoran people gave a majority to the ARENA Party, increasing their representation in the Assembly from 13 to 60 to a majority of 31 of 60, and made ARENA the favorite to win the Presidency in 1989.

THE 1989 ELECTION

As you might expect, Mr. President, when the period of campaigning began in late 1988, the United States once again reaffirmed its support for the Christian Democrat Party. This time, however, the situation was different. Major D'Aubuisson, aware that there were many in the international community who had been misinformed about his past, decided that it was in the best interest of the country not to seek the Presidency a second time, and the ARENA Party nominated a member of the Constituent Assembly, Alfredo Cristiani, to be the Presidential nominee. Unfortunately for the Christian Democrats, President Duarte fell seriously ill, creating a void of leadership that was apparent in the hierarchy of that party.

As the elections drew near, the Communist FMLN announced conditions under which its members would participate in the political process. In addition to demanding a postponement of the elections, the FMLN called for an immediate military cease-fire in order to give the party allied with the rebels, the Democratic Convergence, a chance to organize themselves. In return, the guerrillas pledged to respect the outcome of the postponed elections.

At first, this plan was rejected out of hand by both the Christian Democrats and the ARENA Party, but under reported pressure from the United States, President Duarte proposed an alternative by which the elections would be postponed for 6 weeks. At the time, the Christian Democrats were trailing heavily in the opinion polls, and the United States realized that it was a perfect time to delay the Salvadoran vote in order that the Christian Democrats might have more time to gain popular support.

Ultimately, however, the ARENA-controlled Constituent Assembly rejected the rebel offer and demanded that the electoral process be conducted within a constitutional framework, which dictates that the Presidential electoral process begin no more than 2 months before the constitutionally set inaugural date of June 1.

As the election drew near, Mr. President, it became clear that ARENA candidate Cristiani was the heavy favorite. I have good information from reliable sources that the U.S. Government, despite repeated denials, was working in concert with the Christian Democrats to preempt an ARENA victory.

FREE AND FAIR ELECTIONS

However, on election day, the voting took place with no significant evidence of fraud, despite a general transportation strike imposed by the Communist FMLN. When the votes were finally tallied, Cristiani had won a clear majority of 53 percent. The candidate of the Christian Democrats, Fidel Chavez Mena, received 36 percent and the FDR, a party allied with the Communist rebels, came in fourth with only 3.8 percent.

Just prior to the election, some of my distinguished colleagues introduced a bill that would make military aid to El Salvador conditional on a negotiated settlement of the civil war. I remind my colleagues that the policy of the Soviet Union and their Cubans has always been to destabilize the region through armed insurrection. A negotiated settlement holds out the process of allowing the FMLN to win at the table what they could not win on the battlefield.

COMMUNISTS ESCALATE TERRORISM

Since the election, Mr. President, the escalation of terrorism in El Salvador has become worse. The FMLN, which during the Presidential campaign had been assassinating elected mayors of the ARENA Party, has brought the war to the streets of the capital. In April of 1989, the house of the Vice-President Elect, Francisco Merino, was bombed, and the Constituent Assembly-elected Attorney General Roberto Garcia Alvardo was murdered on his way to work. The FMLN believes that if they can provoke a violent reaction by the Cristiani government to their acts of terror, the United States will cut off the much-needed military aid. So far, however, the Cristiani government has not succumbed to that temptation.

In order for the country of El Salvador to survive in the future, it is imperative that the United States give full support to the Cristiani government. Many believe that if given the chance to enact the promised ARENA economic reforms, El Salvador will again be a strong, prosperous country.

The victory by ARENA signals that when people, wherever they may be, are given a chance to choose between freedom and socialism, between anti-Communism and dictatorship, that a free market and anti-Communism will always win. The Salvadoran people have chosen a nationalist alternative to a government that has been controlled and dominated by the U.S. State Department and the CIA. The Salvadorans do not want to be controlled by the United States Government or anybody else.

At the outset, I stated that the United States policy in El Salvador has been one of supporting the currupt, socialist regime of the Christian Democrats. I believe that this war on democracy and capitalism has harmed the United States in its foreign policy dealings elsewhere in the world. It has become evident that it is a handicap to be profree enterprise or prodemocracy when dealing with the United States.

The bureaucrats at the policymaking level have been blind to the fact that majority elements in El Salvador, currently under the ARENA Party, are natural allies of the United States, and they are espousing the same values and principles as held by mainstream Americans. Had our policymakers come to this realization earlier, the entire Central American region would not be on the verge of collapse today, for our allies there would understand that our commitment to democracy and freedom is an absolute thing, not relative to the socialist goals of officials in our policymaking agencies.

EXHIBIT 1

MURDERED MEMBERS OF THE ARENA PARTY

Ricardo and Wilfredo Ranbush. Two brothers, forerunners of the nationalist movement. Murdered in their offices in 1980.

David Quinteros. Deputy of the Department of Housing. Elected to the Constituent Assembly. Murdered before he took the oath of office.

Rene Barrios Amaya. Deputy Director of the Constituent Assembly. Leader of the "Sindicalista," the labor sector of the ARENA Party.

Salvador Jimenez. Leader of the working sector of the ARENA Party, also a member of the "Sindicalista."

Ricardo Arnoldo Pohl. Deputy of the State of Usulutan.

Dr. Rafael Hasbun. Consultant, coreligionist, and Member of the General Council of Elections.

Dr. Fernando Berrios Escobar. Doctor. Former Minister of Health for ARENA during the provisional government of Dr. Alvaro Magana.

Carlos Carbajal. Worker for the ARENA Party.

Patricia Martino. Coreligionist from the State of Santa Ana. Disappeared.

Ricardo Rodriquez Esheverria. Murdered in February of 1989.

Dr. Francisco Peccorini. Political Analyst. Ex-Professor of Philosophy at the Universi-

ty of California at Long Beach. Murdered in March of 1989.

MURDERED ARENA MAYORS

Santos Antonio Martinez. Mayor of Coatopequo, Santa Ana Province.

Ricardo Antonio Pineda. Mayor of Sensori, San Miguel Province.

Jose Ulises Henriquez. Mayor of New Granada, Usulutan Province.

Jose Santos Rivas Sanchez. Mayor of Azacualpa, Chaltenango Province.

DEATH OF CLAUDE PEPPER

Mr. DODD. Mr. President, on Tuesday America lost one of its great senior statesmen, a tireless fighter for the elderly, the underprivileged, and indeed for all Americans. I speak, of course, of Senator Claude Pepper, who at age 88 had served more years in Congress than any other Member.

Claude Pepper was the people's champion, and it was an honor to serve with him and work with him. No man in politics was more loved or more effective. His congressional career, which spanned half a century in both Houses of Congress, was a triumphant one.

While Senator Pepper's legislative achievements are too numerous to recount, certainly there is no program with which he was more closely associated than Social Security. He was elected to the Senate only a few months after Social Security was created, during the administration of Franklin Delano Roosevelt, and immediately Claude Pepper became one of Social Security's staunchest supporters. That support continued for half a century. He was the sentinel, the watchman ever alert, sounding the warning whenever anyone suggested reneging on our commitment to older Americans.

Claude Pepper wrote and fought for any number of measures to improve the quality of life for senior citizens. Once, serious illness inevitably cost older people their savings, and advanced age once was synonymous with bankruptcy. Senator Pepper's work to create and improve Medicare, to assure catastrophic care coverage and in the past few years, to extend coverage for long-term home health care, was a continual and successful effort to change this. Once, workers were routinely forced to retire at age 65. This, too, changed because of the work of Claude Pepper.

As the last remaining Member of Congress who served in the heyday of the New Deal, Claude Pepper worked in recent years to ensure that those social benefits were not weakened. As a tireless campaigner in political races from coast to coast, he met with adoring crowds wherever he went, lending his popularity to many successful causes.

I wish I could recount years-old tales, anecdotes from earlier years of Claude Pepper's career. But that career reaches back decades. When Senator Pepper first came to Washington, I was not yet born. When he first held elective office, in the Florida Legislature, the President was Herbert Hoover, and Ford was still selling the Model T. Indeed, most of us in Congress can only hope to have the opportunity to contribute as much—and with as much passion and perseverance—as Claude Pepper.

As Senator Pepper himself entered the ranks of the Nation's senior citizens his status broadened, from advocate in Congress to spokesman for the elderly across America. At the age of 88, he remained active and vibrant, providing inspiration to us all. Claude Pepper's efforts were unceasing. Although his district was one city, his constituency was a generation.

DEPARTMENT OF EDUCATION GSL DEFAULT REGULATIONS

Mrs. KASSEBAUM. Mr. President, Education Secretary Lauro Cavazos today released final regulations designed to bring down the default rate in the Guaranteed Student Loan Program. I applaud the Secretary for taking this initiative.

The regulations reflect a thoughtful, fair, and tough approach to a problem which will cost taxpayers about $1.8 billion in this year alone. Well over one-third of guaranteed student loan expenditures go toward default costs. It is essential that this serious problem be addressed in order to maintain the integrity of the loan program and the widespread support it has enjoyed.

Over 3,600 public comments were submitted during the rulemaking process. These comments were taken seriously, with an obvious effort made to tailor appropriate responses for institutions, students, lenders, guarantee agencies and the Department.

The final regulations emphasize constructive steps to be taken by institutions, based on their individual default rates. The institutions are given a reasonable amount of lead time in which to initiate reforms—with limitation, suspension, or termination [LST] of program eligibility not taking effect until January 1991.

In addition, the Secretary announced several actions to be taken by the Department to tighten administration of the program and to assure that students receive better information about their responsibilities under the loan program and about the records of the schools they choose to attend.

Later this month, the Secretary will be sending to Congress a package of proposed legislative changes. I am pleased to note that the Senate has already approved default legislation. I know that Senator PELL and I, along with other members of the Education Subcommittee, look forward to reviewing additional suggestions in this area.

On the whole, I believe the initiatives put forward by Secretary Cavazos will be a positive force for greater accountability in the Guaranteed Student Loan Program. It deserves broad support.

Mr. President, I ask unanimous consent that factsheets prepared by the Department of Education describing these initiatives appear in the RECORD.

There being no objection, the fact sheets were ordered to be printed in the RECORD, as follows:

FACTSHEET.—GRADUATED REGULATORY APPROACH TO DEFAULT REDUCTION AT POSTSECONDARY INSTITUTIONS

Tier	Default rate trigger (percent) [1]	Schools affected	Action
IV Limit/Suspend/Terminate (LST) proceedings	[2]60%	188	Authorize Secretary to initiate LST proceedings immediately if a school's default rate is above 60 percent.
	[2]40–60%	450	Authorize Secretary to initiate LST proceedings if school does not reduce its rate by 5 percentage points per year.
III Automatic default reduction measures	30	1,082	Require school to: (1) delay loan certification and disbursement for first-time borrowers, and (2) use pro-rata tuition refund policy.
II Individual default management plans	20	1,695	Authorize Secretary to impose specific measures (individual default management plans) that address causes of default at a particular school.
I Requirement for all schools	NA	7,843	Require school to provide entrance counseling to first-time borrowers.
Requirement for all vocational schools	NA	5,065	Require school to compile and disclose consumer information, including program completion and job placement data, to all prospective students.
Requirement for all private vocational schools (new NPRM)	NA	3,690	Require school to have "teach-out" arrangement with another school.

[1] Actions are triggered when the default rate exceeds the specified percentage.
[2] The 60 percent default rate trigger will be reduced by 5 percentage points per year, to 40 percent by the fifth year.

FACTSHEET

DEFAULT REDUCTION INITIATIVE: FINAL REGULATION

The final regulation, which is about to be published in the *Federal Register*, based on last September's Notice of Proposed Rulemaking, includes the following major features:

1. Authorize Limitation, Suspension, or Termination of High Default Schools (40-60+ Percent)

Authorize initiation of limitation/suspension/termination (LST) of student aid programs eligibility of schools with default rates over 60 percent in the first year, with a phased (5 percent per year) decrease in this trigger over 5 years to 40 percent. Authorize LST action for schools with rates over 40 percent that fail to reduce these rates by 5 percentage points each year, until the rate decreases to below 40 percent. A school could avoid LST action by showing that it has implemented all default reduction measures in Appendix D. This proposal incorporates the same due process procedures included in the NPRM.

The effective date for potential LST actions will be January 1991, and will be based on the default experience in FY 1989 and FY 1990 of student borrowers entering repayment in FY 1989.

Note.—The default rate used for this purpose, known as the "cohort" or "fiscal year" default rate, is defined as the percentage of an institution's current and former students whose loans enter repayment in a fiscal year who default before the end of the following fiscal year.

2. Require Schools With Default Rates Above 30 Percent to Delay Certification and Disbursement of Loan Funds for First-Time Borrowers

Require schools with default rates over 30 percent to delay certification of loan applications for first-time borrowers so as to ensure the loan proceeds are not received by the borrower prior to 30 days after the first day of classes for the academic year for which the loan was made. (This policy would be superseded by the current FY 1990 budget proposal requiring all schools to delay loan disbursement for 30 days, when the legislative proposal is enacted.)

3. Require Pro-Rata Tuition Refund Policy for GSL Borrowers at Schools With Default Rates Above 30 Percent

Require each school with a default rate over 30 percent to use a pro-rata tuition refund policy for recipients of student loans. This provision would not apply for any student who withdraws after the midpoint of the program or at the end of the first 6 months, whichever is earlier. (This requirement would be superseded by the new legislative proposal requiring pro-rata tuition refund policies for recipients of all Department student aid funds for schools with default rates over 30 percent, when the legislative proposal is enacted.)

FACTSHEET

DEFAULT REDUCTION INITIATIVE: NEW NOTICE OF PROPOSED RULEMAKING

In addition to the new provisions contained in final regulations, the Secretary's default reduction initiative includes two provisions that require a new opportunity for public comment. These provisions will be published in the *Federal Register* as a new Notice of Proposed Rulemaking.

1. Require Teach-out Arrangements for Private Vocational Schools

Require each private school that offers an undergraduate nonbaccalaureate vocational training program to enter into a teach-out arrangement with another school, under which the latter school agrees to teach-out any students enrolled in the former school free of charge if and when the former school closes.

2. Require Lenders to Notify Borrowers of Loan Transfer

Require a secondary holder to notify the borrower when it purchases a loan made to that borrower if the borrower is required to send payments to a new address.

FACTSHEET

DEFAULT REDUCTION INITIATIVE: LEGISLATIVE PROPOSALS

The Department proposes the following statutory changes as part of the Secretary's initiative to reduce defaults:

1. Modify Ability-to-Benefit Provision

Require students who are admitted under the "ability-to-benefit" criterion to pass a test, prior to enrollment, formulated and administered by an independent third party.

2. Require Pro-Rata Tuition Refunds at Schools with Default Rates Above 30 Percent (All Department Student Aid Program Recipients)

Require each school with a default rate over 30 percent to use a pro-rata tuition refund policy for all recipients of Department student aid funds. This provision would not apply for any student who withdraws after the midpoint of the program or at the end of the first 6 months, whichever is earlier. This proposal would apply our regulatory refund requirement for Guaranteed Student Loan recipients to all Department student aid recipients.

3. Authorize Guarantee Agencies To Garnish Defaulters' Wages

Authorize guarantee agencies to garnish a defaulters' wages, up to 10 percent of disposable pay.

4. Prohibit Schools From Employing Commissioned Sales Representatives For Recruiting and Admitting Activities

Prohibit schools from employing anyone other than salaried employees or volunteers to conduct recruiting or admitting activities; prohibit the paying of commissions, bonuses, or other incentives based on enrollment or student aid volume to persons engaged in recruiting or admitting activities.

5. Require Lenders to Provide Graduated Repayment Options to Borrowers

Require lenders to offer graduated repayment schedules approved by the Secretary to all borrowers of Stafford Loans and Supplemental Loans for Students prior to the commencement of repayment. For example, the monthly payment on a $10,000 loan under a level payment scheudle (current practice) is $121. Under a 1-year interest-only replayment schedule, the first year's payments would be $66.71 per month, and for the remaining years, $130 per month.

6. Prohibit Certification of Schools for Program Eligibility After Loss of Accreditation

Prohibit school eligibility certification or recertification if during the preceding 24 months, its accreditation has been withdrawn, revoked, or otherwise terminated for cause or if it has withdrawn from institutional accreditation voluntarily under a show cause or suspension order. This will prevent problem schools from "shopping around" for accreditation.

FACTSHEET

DEFAULT REDUCTION ADMINISTRATIVE ACTIONS

I. Improving Default Prevention

Publish an annual list of default rates for each lender, school and guarantee agency.

The publicity generated by such a public document, listing the default rates of over 12,000 lenders, 8,000 schools and 54 guarantee agencies, will produce both positive and deterrent effects. Lenders, guarantee agencies, and schools with low default rates can use this to their advantage when marketing their services. High rates will hurt marketing efforts, and thus will encourage default reduction activities.

Compile and disseminate job placement and other consumer information on vocational programs.

All schools offering undergraduate nonbaccalaurate vocational training programs will be required to disclose graduation rates, job placement rates, and State licensing exam pass rates to prospective students. The Department also will compile these statistics in a guide that will be widely available to consumers. We believe this information will help students better evaluate their chances of success in different programs and institutions. Programs savings will result from better consumer decisions regarding vocational training programs, increased pressure on schools to improve their performance in these critical areas, and lower dropouts and defaults.

Expand efforts to inform students of ED toll-free consumer services hotline.

Publicize the Department's toll-free telephone number that is available to the 6 million students who receive Federal assistance. Enhanced use of the Federal Student Financial Aid Information Center, which provides general and consumer information to students, will produce program savings by reducing errors on student aid application forms and by producing better informed student consumers.

Provide colleges and high schools with debt management and financial planning information for students.

Information dissemination will be accomplished in traditional formats, such as printed materials and brochures, and via videos and interactive computer software programs. This information will be used to introduce debt management concepts to high school students. With this information, students will be in a position to make better decisions regarding loan obligations. The Department also will make such information available to postsecondary schools for use in entrance counseling.

Improve the administration of the Guaranteed Student Loan programs by schools, lenders and guarantee agencies by providing additional employee training.

Additional Department resources will be used to train up to 2,000 postsecondary institution staff, and up to 5,000 lender and guarantee agency staff. Training will focus on new legislative and regulatory requirements as well as basic training concerning proper program administration. Training facilitates default reduction by ensuring that program participants are knowledgeable and up-to-date about program requirements, thus preventing and eliminating many administrative errors that occur through lack of knowledge.

Support research to determine the underlying causes of default.

The Department will analyze and compile statistics on current defaults, analyze why they are occurring, project default rates based upon the impact of new initiatives, and conduct other studies as necessary. Initial research projects in this area will focus on the findings of the National Postsecondary Student Aid Survey and further analyses of tape dump data received from guarantee agencies.

Disseminate model default prevention approaches.

Dissemination of information on effective default prevention techniques will include a "What Works in Default Prevention" booklet.

II. Improving Enforcement of Program Requirements

Increase ED program compliance reviews of lenders, schools and guarantee agencies.

Our original FY 1990 plans heavily emphasized institutional reviews—an increase of 350 reviews over the 1989 level of 850 reviews, and 828 reviews over the 372 reviews conducted in FY 1987. Our plans also include a FY 1990 increase to 530 lender reviews over the FY 1989 level of 400. These program compliance reviews will be the key to ensuring that these default reduction measures are implemented.

Increase OIG audits and investigations, using enhanced fraud detection techniques.

In response to the escalating default problem, the Office of the Inspector General (OIG) will devote 75 percent direct investigational time and 75 percent direct audit time (after mandated audit work), to the default problem. Further, in order to identify the causes of and possible solutions to the default problem, the OIG is focusing on the following key areas for review: Accreditation, eligibility and certification of schools, school recruitment practices, admission of students under the ability-to-benefit provision, course length, results of training, and due diligence in loan collection.

Continue enforcement of tougher due diligence collection requirements for lenders and guarantee agencies.

The Department monitors and enforces "due diligence" procedures, which establish specific lender and guarantee agency collection effort requirements. The requirements represent the minimum level of effort that lenders and guarantee agencies must undertake in collecting loans in order to qualify for insurance and reinsurance payments. Continued vigorous enforcement of these standards will help the Department control the rising costs of defaults and improve the collection of loans nationwide.

Expand fraud detection by publicizing the Inspector General's fraud and abuse toll-free hotline.

To increase the use of the IG toll-free hotline as a fraud detection tool, the Department will publicize the number through public service announcements (PSAs) and publications. The Department is also adding additional employees to the IG staff to handle the expected increased volume of calls.

III. Improving Collection Efforts

Increase collections through the IRS offset of defaulters' Federal tax refunds.

Since 1986, the IRS offset of defaulters' Federal tax refunds has resulted in over $561 million in collections through April 1989 on approximately 878,000 accounts. The Department expects to collect an additional $197.9 million in FY 1989.

Expand efforts to offset the salaries of Federal employees who have defaulted on student loans.

Since the Federal employee salary offset program was authorized in 1982, over 30,000 defaulted accounts belonging to Federal employees have been referred to their employing agencies for salary offset. An additional 6,952 Federal employees are currently paying ED voluntarily. Cumulative collections resulting from the Federal salary offset program total $44.7 million. We estimate that approximately $12 million will be collected in FY 1989.

Report defaulters to consumer credit bureaus.

The Department reports ED-held defaults to consumer credit bureaus in order to affect adversely a defaulter's ability to obtain credit financing until satisfactory repayment arrangements are made. To date, $736 million in defaulted loans for approximately 685,400 accounts have been reported to credit bureaus.

Expand contracts with private collection services to collect defaults.

ED has expanded contracts with private sector collection services to collect on ED-held defaults. More than $47 million was collected in FY 1988, a $12 million increase over FY 1987. New collection contracts will be awarded in June 1989.

ESSENTIAL AIR SERVICE

Mr. PRESSLER. Mr. President, I extend my sincere appreciation to the distinguished chairman of the Appropriations Committee, Senator BYRD, for his attention to the needs of the Essential Air Service [EAS] Program. Because of Senator BYRD's interest in preserving air service to small communities, EAS remains alive.

I've spoken on the floor a number of times about the importance of preserving the EAS. I've given specific examples of how any reduction in the EAS Program would affect South Dakota cities. For example, the mayor of Pierre, SD, my State's capital, wrote this to me to say:

We believe any reduction in existing air service to our community, or any other EAS cities in South Dakota, will cause an adverse affect on economic development efforts and personal mobility.

Similar voices of concern have been registered by many people in from Yankton, Brookings, Huron, and Mitchell.

Congress has heard this message loud and clear and has committed itself to continuing support for EAS. Secretary of Transportation Samuel Skinner has been very cooperative in our efforts to provide an additional $6.6 million to make up for the shortfall in program funding.

Again, I commend the chairman and ranking member of the Appropriations Committee for their work on EAS. This effort will be remembered by those who still will have access to air transportation in some of our Nation's smaller cities. Since DOT soon will be notifying carriers of the pending cutoff of EAS payments, I urge swift action by the conference committee on this urgent, high priority supplemental funding.

GLOBAL MAINE CONFERENCE

Mr. MITCHELL. Mr. President, last week in Portland, ME, there was a remarkable conference attracting a wide range of people from Maine and New England. The conference was organized by the University of Southern Maine, with the help of many other organizations and individuals.

Industry representatives, academicians, students, and environmentalists struggled during this conference to come to grips with the impact of global issues on Maine, including the critical issue of global warming. The all-day session did not deal with these issues in the abstract, It considered the impact on our daily lives, of global security issues, our changing values, environmental concerns, education and technology. The conference also asked participants to consider what they could individually do to have an impact on the issues of concern.

What is particularly encouraging about this conference is the level of commitment of the participants. Each of us has the ability—and the obligation—to do all we can to improve this world in the brief time we are here.

The spirit and enthusiasm generated by this conference, and by future conferences that I hope will be held, gives me optimism for the future. It is too easy to sit back and assume someone else will tackle the difficult issues. This conference demonstrates clearly that each of us must stand up for an issue.

Maine has been a leader in environmental issues. The citizens of Maine and neighboring States who gathered last week take seriously our need to slow down the rate of global warming, our need to redefine what our security interests are, our need to review our educational system and our values and the uses of technology in combatting environmental problems. This was a precedent-setting conference and I commend the conference organizers for their hard work. It was a job well done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business has now expired.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the bill, H.R. 2072, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enroll-

ment errors for the fiscal year ending September 30, 1989, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1989, and for other purposes, namely:

[Title I—Dire Emergency Supplementals and Transfers:

[Chapter I—Emergency Drug Funding:
[Subchapter A—Commerce-Justice-State.
[Subchapter B—Treasury-Postal Service.
[Chapter II—Judicial Retirement Fund.
[Chapter III—Corps of Engineers, Civil.
[Energy Programs.
[Chapter IV—Migration and Refugee Assistance.
[International Peacekeeping Activities.
[Chapter V—Forest Firefighting.
[Naval Petroleum Reserve Limitation.
[Chapter VI—Trade Adjustment Assistance.
[Foster Care and Adoption Assistance.
[Rehabilitation Services and Handicapped Research.
[Guaranteed Student Loans.
[Prescription Drug Payment Review Commission.
[Chapter VII—Payments to Widows and Heirs of Deceased Members of Congress.
[Chapter VIII—Agricultural Marketing Service.
[Agricultural Stabilization and Conservation Service.
[Agricultural Credit Insurance Fund.
[Chapter IX—Federal Aviation Administration.
[Installation and Use of Explosive Detection Equipment.
[Chapter X—Department of the Treasury.
[IRS—Processing Tax Returns.
[IRS—Investigation, Collection, and Taxpayer Service.
[Chapter XI—VA Compensation and Pensions.
[VA Readjustment Benefits.
[VA Loan Guaranty Revolving Fund.
[VA Medical Care.
[Court of Veterans Appeals.
[Homeless Programs.
[EPA, Salaries and Expenses.
[EPA, Abatement, Control, and Compliance.
[EPA, Hazardous Substance Superfund.
[NASA, Research and Program Management.

[Title II—Urgent Supplemental Appropriations:

[Chapter I—NOAA, Operations, Research, and Facilities.
[Department of Justice, Legal Activities.
[United States Attorneys Salaries and Expenses.
[Japanese Internment Fund.
[FBI, Salaries and Expenses.
[Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses.
[Defender Services.
[Administrative Office of United States Courts.
[Federal Judicial Center, Salaries and Expenses.
[Maritime Administration, Federal Ship Financing Fund.
[FCC, Salaries and Expenses.
[SEC, Salaries and Expenses.
[Chapter II—Department of Defense, Administrative Provisions.
[Chapter III—Department of the Interior and Related Agencies—General Provisions.
[Chapter IV—FAA, Aircraft Purchase Loan Guarantee.
[Chapter V—OPM, Salaries and Expenses.
[Chapter VI—Housing Programs, Rental Assistance.
[Community Development Grants.
[NSF, Research and Related Activities.

[Title III—Technical Enrollment Corrections.

[Title IV—General Provisions.]

TITLE I—DIRE EMERGENCY SUPPLEMENTALS AND TRANSFERS

[CHAPTER I—EMERGENCY DRUG FUNDING

[SUBCHAPTER A

[DEPARTMENT OF JUSTICE

[For an additional amount for the Department of Justice, $588,139,000, to remain available until expended, notwithstanding any designations contained in titles I through IX of Public Law 100-690: *Provided,* That of the amount appropriated, $125,000,000 shall be made available only for the drug-related projects of the Drug Control and System Improvement Grant Program authorized in section 6091 of Public Law 100-690.

[DEPARTMENT OF STATE

[ADMINISTRATION OF FOREIGN AFFAIRS

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $4,000,000, to remain available until expended, for expenses authorized by the Anti-Drug Abuse Act of 1988 for development, procurement, and implementation of a machine-readable travel and identity document border security program.

[THE JUDICIARY

[For an additional amount for the Judiciary, $129,420,000, to remain available until expended, notwithstanding any designations contained in titles I through IX of Public Law 100-690.

[RELATED AGENCY

[STATE JUSTICE INSTITUTE

[SALARIES AND EXPENSES

[For an additional amount for the State Justice Institute, $4,020,000, to remain available until expended.

[SUBCHAPTER B

[DEPARTMENT OF THE TREASURY

[BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $4,000,000.

[UNITED STATES CUSTOMS SERVICE

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $35,000,000, of which $7,000,000 shall be available for development, procurement, and implementation of a machine-readable travel and identity document border security program.

[OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

[For an additional amount for "Operation and Maintenance, Air Interdiction Program", $51,000,000, to remain available until expended.

[FEDERAL LAW ENFORCEMENT TRAINING CENTER

[SALARIES AND EXPENSES

[For an additional amount for the Federal Law Enforcement Training Center, $6,000,000, of which $4,000,000 shall be available only to accommodate the advanced in-service training requirements of the Drug Enforcement Administration that cannot otherwise be met at the Department of Justice training facilities, and $2,000,000 shall be available to increase the level of drug enforcement training for Federal, State, and local law enforcement officers.]

CHAPTER [II] *I*

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance" for the Public Safety Officers' Benefits Program, $4,000,000 to remain available until expended.

THE JUDICIARY

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIAL OFFICERS' RETIREMENT FUND

For payment to the Judicial Officers' Retirement Fund, as authorized by Public Law 100-659, $2,300,000.

CHAPTER [III] *II*

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

(TRANSFER OF FUNDS)

For additional amounts for appropriations for the fiscal year 1989, for increased pay costs authorized by or pursuant to law as follows:

"General regulatory functions", $1,100,000, to be derived by transfer from "Operation and maintenance, general".

"General expenses", $2,600,000, to be derived by transfer from "Construction, general".

GENERAL REGULATORY FUNCTIONS

(TRANSFER OF FUNDS)

For an additional amount for "General regulatory functions", $2,225,000, to remain available until expended, to be derived by transfer from "Construction, general".

DEPARTMENT OF ENERGY
ENERGY PROGRAMS
URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For an additional amount for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $55,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,429,000,000 in fiscal year 1989, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1989 so as to result in a final fiscal year 1989 appropriation estimated at not more than $0.

GENERAL PROVISIONS

[SEC. 301. Sunset Harbor, California: Section 1119(a) of the Water Resources Development Act of 1986 is amended by adding at the end thereof the following: "The total cost referred to in the preceding sentence may be increased by the Secretary by any amount contributed by non-Federal interests which is in excess of amounts contributed by non-Federal interests under the preceding sentence."

[SEC. 302. Exchange of Federal Land: Subsection 1. Exchange of Federal Public Land.

[(a) EXCHANGE OF LAND.—Subject to subsection 2, at such time as the Blue Tee Corporation transfers all right, title, and interest in and to the land described in subsection 1(b)(1) to the Secretary of the Army, the Secretary shall transfer all right, title, and interest in and to the land described in subsection 1(b)(2) to the Blue Tee Corporation.

[(b) DESCRIPTION OF LANDS.—The lands referred to in subsection (a) are the following:

[(1) NON-FEDERAL LAND.—35.03 acres of land located in Madison County, Illinois, known as Government Tract Number 121 and owned by the Blue Tee Corporation.

[(2) FEDERAL LAND.—58.64 acres situated in Madison County, Illinois, known as Government Tract Number 122 and administered by the United States Army Corp of Engineers, which is constructing the Melvin Price Lock and Dam Project on this land.

[Subsection 2. Conditions of exchange.

[The exchange of land authorized by subsection 1 shall be subject to the following conditions:

[(1) DEEDS.—

[(A) FEDERAL LAND.—The instrument of conveyance used to convey the land described in subsection 1(b)(2) to the Blue Tee Corporation shall contain such reservations, terms, and conditions as the Secretary of the Army considers necessary to allow the United States to construct, operate, and maintain the Melvin Price Lock on that land.

[(B) NON-FEDERAL LAND.—The conveyance of the land described in subsection 1(b)(1) to the Secretary of the Army shall be by a warranty deed acceptable to the Secretary.

[(2) REMOVAL OF IMPROVEMENTS.—The Blue Tee Corporation may reserve the right to remove any improvements on the land described in subsection 1(b)(1) belonging to them. The terms of such reservation shall be subject to approval by the Secretary of the Army. The Blue Tee Corporation shall hold the United States harmless from liability, and the United States shall not incur any cost, associated with the removal or relocation of such improvements.

[(3) TIME LIMIT FOR EXCHANGE.—The land exchange authorized by subsection 1(a) must be completed within 2 years after the date of enactment of this Act.

[(4) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the lands described in subsection 1(b). That legal description shall be used in the instruments of conveyance of such lands.

[SEC. 303. Saylorville Lake, Iowa: From Construction, General funds heretofore or hereafter appropriated, the Secretary of the Army is directed to construct Highway 415, Segment "C" at the Saylorville Lake, Iowa, Project in accordance with terms of the Relocations Contract executed on June 21, 1984, between the Rock Island District Engineer and the State of Iowa.

[SEC. 304. Sims Park, Ohio: The Secretary of the Army, acting through the Chief of Engineers, shall undertake a beach erosion control project at Sims Park, Euclid, Ohio, using funds appropriated under the heading "CONSTRUCTION GENERAL" in title I of the Energy and Water Development Appropriation, 1988 (Public Law 100-202; 101 Stat. 107).]

SEC. 301. The undesignated paragraph under the heading "Bonneville Lock and Dam, Oregon and Washington—Columbia River and Tributaries Washington" in section 301(a) of Public Law 99-662 (100 Stat. 4110) is amended by striking out "$191,000,000" in two places and inserting in lieu thereof "$328,000,000".

CHAPTER [IV] *III*

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ECONOMIC SUPPORT FUND

Of the funds appropriated in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, up to $200,000 of the unearmarked funds appropriated under the heading "Economic Support Fund" may be made available for the support of the [electoral] process *of democratic transition* in Poland, which may include, among other things, [support for international observer missions and] civic education programs, *including independent media and publishing activities*: *Provided*, That funds made available under this paragraph may be used without regard to any provision of law which would otherwise prohibit the use of foreign assistance funds with respect to Poland.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $100,000,000, to support emergency refugee admissions and assistance: *Provided*, That this amount may be derived through new budget authority, or the President may transfer to such account for purposes of this paragraph any unobligated and unearmarked funds made available under Public Law 100-461, notwithstanding section 514 as amended by section 589 of Public Law 100-461: *Provided further*, That if the President transfers funds for this paragraph not more than 3.3 per centum of the unobligated and unearmarked funds available under any account in Public Law 100-461 may be transferred: *Provided further*, That any transfer of funds pursuant to this paragraph shall be subject to the regular reprogramming procedures of the Committees on Appropriations: *Provided further*, That not less than $85,000,000 of such amount shall be made available for Soviet and other Eastern European Refugee admissions and for admissions restored to other regions: *Provided further*, That funds provided under this paragraph are available until expended.

[INTERNATIONAL PEACEKEEPING ACTIVITIES AND OPERATIONS

[(TRANSFER OF FUNDS)

[SEC. 1. In order to meet urgent requests that may arise during fiscal year 1989 for contributions and other assistance for new international peacekeeping activities, and to reimburse funds originally appropriated for prior international peacekeeping activities, which have been reprogrammed for new international peacekeeping activities, the President may transfer during fiscal year 1989 such of the funds described in section 2(a) as the President deems necessary, but not to exceed $125,000,000 to the "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES" account or the "PEACEKEEPING OPERATIONS" account administered by the Department of State, notwithstanding section 15(a) of the Department of State Basic Authorities Act of 1956, section 10 of Public Law 91-672, or any other provision of law.

[SEC. 2. (a) IN GENERAL.—The funds that may be transferred under the authority of this heading for use in accordance with section 1 are—

[(1) any funds available to the Department of Defense during fiscal year 1989, other than funds appropriated by the Department of Defense Appropriations Act, 1989 (Public Law 100-463); and

[(2) any funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461) for the "MILITARY ASSISTANCE" account, for the "INTERNATIONAL MILITARY EDUCATION AND TRAINING" account, or for grants under the "FOREIGN MILITARY FINANCING PROGRAM" account.

[(b) RELATIONSHIP TO CERTAIN OTHER PROVISIONS.—Funds described in subsection (a)(2) may be transferred and used for contributions or other assistance for new international peacekeeping activities in accordance with section 1 of this provision notwithstanding section 514 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (as amended by section 589 of that Act), relating to transfers between accounts.

[SEC. 3. (a) REVIEW OF PROPOSED TRANSFERS.—Any transfer of funds pursuant to section 1 shall be subject to the regular reprogramming procedures of the following committees:

[(1) The Committee on Appropriations of each House of Congress.

[(2) The Committee on Armed Services of each House of Congress if funds described in paragraph (1) of section 2(a) are to be transferred.

[(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate if funds described in paragraph (2) of section 2(a) are to be transferred.

[(b) REVIEW OF PROPOSED OBLIGATIONS.—The regular reprogramming procedures of the following committees shall apply with respect to the obligation of any funds transferred pursuant to section 1:

[(1) The Committee on Appropriations of each House of Congress.

[(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.]

CHAPTER [V] *IV*

DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF AGRICULTURE

For an additional amount for emergency rehabilitation, forest firefighting, fire severity presuppression, and other emergency costs on National Forest System lands and Department of Interior lands, $341,669,000 of which (1) $30,180,000 is for "Bureau of Land Management, Management of lands and resources"; (2) $2,895,000 is for "United States Fish and Wildlife Service, Resource management"; (3) $25,000,000 is for "National Park Service, Operation of the National Park System"; (4) $33,594,000 is for "Bureau of Indian Affairs, Operation of Indian Programs"; and (5) $250,000,000 is for "Forest Service, National Forest System": *Provided*, That such funds are to be available for repayment of advances to other appropriation accounts from which funds were transferred in fiscal year 1987 and fiscal year 1988 for such purposes.

DEPARTMENT OF THE INTERIOR

OIL SPILL EMERGENCY FUND

For an additional amount for the Department of the Interior for contingency planning, response and natural resource damage assessment activities related to the discharge of oil from the tanker Exxon Valdez into Prince William Sound, Alaska, $7,300,000, to be available until September 30, 1990: Provided, That for purposes of obligation and expenditure, these funds shall be transferred, upon approval of the Secretary, to existing appropriations of the Department of the Interior: Provided further, That any reimbursements from the Pollution Fund of the Coast Guard or other sources for activities for which funds were transferred from this account are to be credited back to this account: Provided further, That notwithstanding any other provision of law, in fiscal year 1989 and thereafter, sums provided by any party, including sums provided in advance as (1) reimbursement for contingency planning, response or damage assessment activities conducted or to be conducted by any agency funded in the Department of the Interior and Related Agencies Appropriations Act as a result of any discharge of oil into the environment or (2) damages for injuries resulting from such a discharge to resources for which an agency funded in the Department of the Interior and Related Agencies Appropriations Act is a trustee, may be credited to the relevant appropriation for that agency then current and shall be available until expended: Provided further, That section 102 of the Department of the Interior and Related Agencies Appropriations Act, 1989, is amended as follows: after the term "volcanoes" insert "; for contingency planning subsequent to actual oilspills, response and natural resource damage assessment activities related to actual oilspills."

DEPARTMENT OF ENERGY

ALTERNATIVE FUELS PRODUCTION

(TRANSFER OF FUNDS)

Monies received from government operations and sale of the Great Plains Gasification Plant, including accrued interest, which currently are deposited in the liquidating trust at the First Trust of North Dakota shall be deposited in this account, and $12,000,000 determined by the Secretary of Energy to be excess to the needs of ongoing alternative fuels programs shall be transferred to the General Fund of the Treasury prior to October 1, 1989.

CLEAN COAL TECHNOLOGY

Notwithstanding any other provision of law, funds originally appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1989, shall be available for a third solicitation of clean coal technology demonstration projects, which projects are to be selected by the Department not later than January 1, 1990.

GENERAL PROVISIONS

SEC. 501. [No funds appropriated or made available, heretofore or hereafter, under this or any other Act may be used by the executive branch for soliciting proposals, or performing studies designed to aid in or achieve the transfer out of Federal ownership, management or control by sale, lease, or other disposition, in whole or in part, the facilities and functions of Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912, and Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915, unless and until legislation specifically authorizing such activities or such transfer out of Federal ownership of the aforesaid Naval Petroleum Reserves is enacted and specific provision for such activities is made in an appropriations Act.] *No funds appropriated or made available in fiscal year 1989 may be used by the executive branch to contract with organizations outside the Department of Energy to perform studies of the potential transfer of Federal ownership, management or control by sale, lease, or other disposition, in whole or in part, the facilities and functions of Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912, and Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915.*

[SEC. 502. Notwithstanding any other provision of law, in fiscal year 1989 and thereafter, sums provided by any party, including sums provided in advance as (1) reimbursement for contingency planning, response or damage assessment or response activities conducted or to be conducted by any agency funded in the Department of the Interior and Related Agencies Appropriations Act as a result of any discharge of oil into the environment or (2) damages for injuries resulting from such a discharge to resources for which an agency funded in the Department of the Interior and Related Agencies Appropriations Act is a trustee, may be credited to the relevant appropriation for that agency then current and shall be available until expended: *Provided*, That section 102 of the Department of the Interior and Related Agencies Appropriations Act, 1989, is amended as follows: after the term "volcanoes" insert "; for contingency planning subsequent to actual oilspills, response and natural resource damage assessment activities related to oilspills".]

SEC. 502. Notwithstanding any other provision of law, the Secretary of the Treasury is directed to provide the Secretary of Agriculture, to remain available until expended, total timber receipts in fiscal year 1988 in excess of $791,000,000 as required in Public Law 100-446 without reductions for payments made in accordance with the provision of the Act of May 23, 1908, as amended (16 U.S.C. 500) or the Act of July 10, 1930 (16 U.S.C. 577g): Provided further, That additional receipts made available by this section shall be distributed by the Secretary of Agriculture in the same manner as provided in Public Law 100-446.

SEC. 503. The Department of the Interior and Related Agencies Appropriations Act, fiscal year 1989 (Public Law 100-446), is amended under the heading "Miscellaneous Payments to Indians" by inserting "100-383," after "98-500,".

CHAPTER [VI] *V*

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

TRADE ADJUSTMENT ASSISTANCE

For an additional amount for "Federal Unemployment Benefits and Allowances", [$126,648,000] *$90,648,000*, of which [$92,000,000] *$56,000,000* shall be for activities as provided by part 1, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended, and $34,648,000 shall be for activities, including necessary related administrative expenses, as authorized by sections 236, 237, and 238 of the Trade Act of 1974, as amended.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for the Occupational Safety and Health Administration, $3,200,000, which shall be available for a grant to the State of California under section 23(g) of the Occupational Safety and Health Act.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $1,445,000, to be derived by a transfer of such sum from the amounts available for Departmental Management administrative expenses in the fiscal year 1989 Black Lung Disability Trust Fund appropriation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For activities authorized under section 799A(e) of Public Law 100-607, $800,000.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

Funds appropriated by the Department of Health and Human Services Appropriations Act, 1989, to implement section 4005(e) of the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, may not be used to provide forward or multiyear funding.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The last proviso under this heading in Public Law 100-436, related to automatic data processing and telecommunications expenditures, is deleted.

FAMILY SUPPORT ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Under this heading in the Department of Health and Human Services Appropriations Act, 1989 (Public Law 100-436), add the following immediately before the period: Provided, That for the sole purpose of section

412(c)(2) of the Immigration and Nationality Act, the term "refugee" shall include Nicaraguan entrants, as defined by the Secretary of the Department of Health and Human Services, in consultation with the Attorney General.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For an additional amount for "Payments to States for Foster Care and Adoption Assistance", $423,345,000 for title IV-E of the Social Security Act, which shall be available for prior years' claims: *Provided That, notwithstanding section 474(a) of the Social Security Act or any other provision of law, no State shall be entitled to payment, from amounts made available under this or any other Act, for expenditures for administration of the State plan under such part E of title IV for fiscal year 1990, in excess of an amount equal to the total payment to which such State is entitled for such expenditures for fiscal year 1989 (as determined on the basis of claims submitted by the State and received by the Secretary on or before May 15, 1990), increased by a percentage equal to three times the ratio of (i) the annual average index of the Consumer Price Index published by the Bureau of Labor Statistics for fiscal year 1989 to (ii) such index, as so measured, for fiscal year 1988.*

DEPARTMENT OF EDUCATION

IMPACT AID

Section 5(e)(1)(D) of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), shall not apply to any local educational agency that was an agency described in section 5(c)(2)(A)(ii) of the Act in fiscal year 1987 but is an agency described in section 5(c)(2)(A)(iii) of the Act in fiscal year 1989 as a result of families being moved off-base in order to renovate base housing.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

[Allotments under sections 100(b)(1) and 110(b)(3) of the Rehabilitation Act of 1973 in the amount of $1,450,000,000 shall be considered as funds mandated by law for purposes of applying section 517 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1989.]

Appropriations under the heading "Rehabilitation Services and Handicaped Research" shall be considered as funds mandated by law for purposes of applying section 517 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1989.

GUARANTEED STUDENT LOANS

For payment of obligations under this heading incurred during fiscal year 1989, $892,428,000.

HIGHER EDUCATION

For an additional amount for section 6(a) of Public Law 98-312, $1,600,000, to remain available until expended.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

(RESCISSION)

Of funds provided under this head for necessary expenses of the National Student Loan Data System, $5,533,000 are rescinded.

OFFICE FOR CIVIL RIGHTS

For an additional amount for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $790,000.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $440,000.

RELATED [AGENCY] *AGENCIES*

RAILROAD RETIREMENT BOARD

LIMITATION ON REVIEW ACTIVITY

For an additional amount for "Limitation on Review Activity", $150,000.

PRESCRIPTION DRUG PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For the Prescription Drug Payment Review Commission, as authorized by section 1847 of title XVIII of the Social Security Act, $250,000, to be derived by transfer of $125,000 from the Physician Payment Review Commission and $125,000 from the Prospective Payment Assessment Commission, to remain available until expended.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

For carrying out activities under Public Law 100-382, $1,750,000.

CHAPTER [VII] *VI*

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Carolyn F. Nichols, widow of Bill Nichols, late a Representative from the State of Alabama, $89,500.

CHAPTER [VIII] *VII*

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

Funds available to Kansas State University for the support of the Mid-America World Trade Center shall be used for the promotion of nonagricultural products, as well as agricultural products, and for the development of the rural economy through international trade.

AGRICULTURAL MARKETING SERVICE

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed an additional $2,500,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for necessary administrative expenses of the Agricultural Stabilization and Conservation Service incurred in carrying out fiscal year 1989 workload in connection with 1988 disaster assistance activities only, not to exceed $40,000,000, to be derived by transfer from the Commodity Credit Corporation.

[CONSERVATION RESERVE PROGRAM

[In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Conservation Reserve Program", delete the sum "$1,864,000,000" and insert in lieu there of "$1,789,000,000", and delete the sum "$385,000,000" and insert in lieu thereof "$310,000,000".]

CONSERVATION RESERVE PROGRAM

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Conservation Reserve Program", delete the sum "$385,000,000" and insert in lieu thereof "$370,000,000".

EMERGENCY CONSERVATION PROGRAM

The Secretary shall issue regulations under section 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2202), or take such other action as is necessary, to provide payments for emergency water conservation or water enhancing measures that benefit confined animals within thirty days of enactment of this Act.

ADVANCED DEFICIENCY PAYMENTS

Section 201(b)(4) of the Disaster Assistance Act of 1988 (7 U.S.C. 1421 note) is amended by striking out "July 31, 1989" and inserting in lieu thereof "December 31, 1989": Provided, That for the purposes of section 202 of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119), this provision is a necessary (but secondary) result of a significant policy change.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND

[OPERATING LOANS

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for insured operating loans, $75,000,000.]

The Secretary shall allocate immediately insured farm operating loans to the States from the national reserve and from pooling of unobligated funds previously allocated to States, in a manner that will provide each State with an opportunity to fund at least the same level of obligations as in fiscal year 1988.

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Agricultural Credit Insurance Fund", delete the sums "$14,000,000" and "$2,000,000" and insert in lieu thereof "$7,000,000" and "$1,000,000" respectively.

RURAL HOUSING INSURANCE FUND

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Rural Housing Insurance Fund" the first proviso of the second paragraph is hereby amended to read as follows: "Provided, That of this amount not less than $109,918,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than $5,082,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949:".

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount for insured water and sewer facility loans, $2,500,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for water and waste disposal grants, $7,500,000, to remain available until expended.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For an additional amount for necessary expenses for conservation operations, $5,000,000.

REIMBURSEMENT TO THE SOIL CONSERVATION SERVICE FOR CONSERVATION RESERVE PROGRAM ASSISTANCE

The Agricultural Stabilization and Conservation Service shall reimburse the Soil Conservation Service for services provided to carry out the Conservation Reserve Program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), at a rate of $2.50 per acre enrolled in the program: Provided, That reimbursement for this service is made retroactive to October 1, 1988.

WATERSHED AND FLOOD PREVENTION OPERATIONS

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Watershed and Flood Prevention Operations", delete the sum "$7,949,000" and insert in lieu thereof "$200,000".

RESOURCE CONSERVATION AND DEVELOPMENT

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Resource Conservation and Development", delete the sum "$1,207,000" and insert in lieu thereof "$56,000".

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

For an additional amount for necessary expenses to carry out the Food Stamp Act, $224,624,000.

FOOD AND DRUG ADMINISTRATION

For the purposes of establishing and implementing a biotechnology demonstration project at the National Center for Toxicological Research, the Secretary shall conduct feasibility, planning and design, of which the feasibility study must be completed by September 30, 1989, and no more than $3,000,000 of previously appropriated funds shall be made available for this initial work.

CHAPTER [IX] *VIII*

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

For an additional amount for "Payments to air carriers", $6,600,000.

STATE AND LOCAL ANTI-APARTHEID POLICIES

Notwithstanding any other provision of this or any other law, none of the funds provided by this or any previous *or subsequent* Act to the Department of Transportation shall be withheld from State or local grantees for any reason related to the adoption by any such grantee of a policy prohibiting the procurement of products manufactured or fabricated in the Republic of South Africa.

COAST GUARD

OPERATING EXPENSES

Notwithstanding any other provision of law, in fiscal year 1989 and thereafter, sums provided by any party, including sums provided in advance, as reimbursements for operating expenses incurred by the United States Coast Guard in response to the oilspill from the "Exxon Valdez" grounding, shall be credited to the "Operating expenses" appropriation for the United States Coast Guard, and shall remain available until expended.

From funds made available under this head in Public Law 100-457, up to $5,600,000 shall be made available until expended for development, acquisition, installation, operation, and support, including personnel, of equipment to provide vessel traffic management information in the New York Harbor area: Provided, That the United States Coast Guard shall have a system in place within 60 days of the date of enactment of this Act.

POLLUTION FUND

In order to provide for an emergency response to any oil or hazardous substance discharge whenever incurred, the appropriation language under this heading in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12) is amended by inserting the following before the period: ": Provided, That for purposes of financing Federal removal costs, whenever incurred, as set forth in subsections (c), (d), and (l) of section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321 (c), (d), and (l)), the Secretary of Transportation is authorized to issue prior to October 1, 1990, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations in such amounts and at such times as necessary to the extent that balances in the Pollution Fund established under subsection (k) of section 311 of said Act are not adequate for such purposes. Such notes or other obligations shall be in the forms and denominations, bearing the interest rates and maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of comparable maturity. The Secretary of the Treasury shall purchase any notes or other obligations issued under this subsection and, for that purpose, he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31. The purpose for which securities may be issued under that chapter are extended to include any purchase of such notes or other obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States: Provided further, That reimbursement of Federal removal costs to the Pollution Fund by any owner, operator, or person providing financial responsibility shall, upon notification to the Secretary of Transportation, be applied immediately by the Secretary of the Treasury to retiring notes or other obligations of the Secretary of Transportation under this paragraph: Provided further, That none of the funds made available pursuant to this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $500,000,000 for the period ending September 30, 1990".

FEDERAL AVIATION ADMINISTRATION

INSTALLATION AND USE OF EXPLOSIVE DETECTION EQUIPMENT

Not later than thirty days after the date of the enactment of this Act, the Federal Aviation Administrator shall initiate action, including such rulemaking or other actions as necessary, to require the use of explosive detection equipment that meets minimum performance standards requiring application of technology equivalent to or better than thermal neutron analysis technology at such airports (whether located within or outside the United States) as the Administrator determines that the installation and use of such equipment is necessary to ensure the safety of air commerce. The Administrator shall complete these actions within sixty days of enactment of this Act.

FEDERAL HIGHWAY ADMINISTRATION

The paragraph designated "Discretionary Bridge Program" under the heading "General Provisions" of chapter XI of title I of Public Law 100-71 (101 Stat. 436) is amended by adding at the end thereof the following: "Phase II of such project shall include, for purposes of funding under the discretionary bridge program, construction of the bridge from the end of phase one on City Island to the touchdown point of the bridge near Fourteenth Street. Application and determination of eligibility for additional funding on the project beyond present commitments shall occur without regard to the current schedule of bidding and construction, prior determinations of agreements by the United States Department of Transportation concerning the boundaries of phase II of the project.".

CHAPTER [X] *IX*

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "International affairs", not to exceed $2,063,000, to be derived by transfer from "Salaries and expenses".]

INTERNATIONAL AFFAIRS

(TRANSFER OF FUNDS)

For an additional amount for "International affairs", not to exceed $1,623,000, to be derived by transfer from "Salaries and expenses".

[FINANCIAL MANAGEMENT SERVICE

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[Under this heading in the Treasury Department Appropriations Act, 1989 (Public Law 100-440), and notwithstanding section 103 of such Act, an additional $5,500,000 may be transferred to the Financial Management Service, "Salaries and expenses" for the sole purpose of funding fiscal year 1989 postage costs that exceed the savings generated by administrative actions of the Financial Management Service.

[INTERNAL REVENUE SERVICE

[PROCESSING TAX RETURNS

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Processing tax returns", $32,229,000, to be derived by transfer from "Examinations and appeals".

[INVESTIGATION, COLLECTION, AND TAXPAYER SERVICE

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Investigation, collection, and taxpayer service", $41,754,000, to be derived by transfer from "Examinations and appeals".]

CHAPTER [XI] *X*

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $701,481,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $22,212,000, to remain available until expended.

LOAN GUARANTY REVOLVING FUND

For an additional amount for "Loan Guaranty Revolving Fund", $120,100,000, to remain available until expended.

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $340,125,000[: *Provided,* That of the sums appropriated under this heading in fiscal year 1989, not less than $6,800,000,000 shall be available only for expenses in the personnel compensation and benefits object classifications].

(TRANSFER OF FUNDS)

For an additional amount for the purchase of prosthetic appliances for "Medical care", $1,160,000, to be derived by transfer from "Construction, major projects", which shall be reduced by a total of $10,000,000.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "General operating expenses", $24,900,000, of which $15,000,000 shall be derived by transfer from "Construction, minor projects": *Provided,* That in the appropriation language under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989, insert a period after "$774,316,000" and delete the language that follows.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Of the amounts heretofore provided for the section 8 moderate rehabilitation program, any amounts in excess of $47,000,000 that are recaptured during fiscal year 1989 shall not be subject to the requirements of the sixth proviso under this head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014).

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(TRANSFER OF FUNDS)

[For an additional amount for "Payments for operation of low-income housing projects", $88,000,000, to remain available until September 30, 1990: *Provided,* That such amount shall be derived by transfer from "Annual contributions for assisted housing", and the amount specified for the section 8 moderate rehabilitation program in the first proviso under that head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014) shall be reduced by such amount: *Provided further,* That from the foregoing amount, $8,000,000 shall be made available, notwithstanding section 9(d) of the United States Housing Act of 1937, for increased security assistance.]

For an additional amount for "Payments for operation of low-income housing projects", $8,200,000, to remain available until September 30, 1990, notwithstanding section 9(d) of the United States Housing Act of 1937, for grants for use in eliminating drug-related crime in public housing projects, consistent with the criteria set forth in section 5125(b), and reflected in other requirements of the Public Housing Drug Elimination Act of 1988 (Public Law 100-690, 102 Stat. 4301): Provided, That such amount shall be derived by transfer from "Annual contributions for assisted housing", and the amount specified for the section 8 moderate rehabilitation program in the first proviso under that head in the Department of Housing and Urban DevelopmentIndependent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014) shall be reduced by such amount.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $3,490,000, to be derived by transfer from "Urban development action grants".

ADMINISTRATIVE PROVISION

Section 17(f) of the United States Housing Act of 1937 (42 U.S.C. 1437o(f)) is amended—

(1) by inserting after "State of New York" the following: "or City of New York"; and

(2) in clause (1), by inserting "or municipal" after "State".

INDEPENDENT AGENCIES

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the initial startup costs and operation of the Court of Veterans Appeals as authorized by sections 4051-4091 of title 38, United States Code, $3,100,000, to remain available until September 30, 1990*: Provided, That, notwithstanding section 4081 of title 38, United States Code, during calendar year 1989(1) the Chief Judge of the United States Court of Veterans Appeals (subject to ratification not later than 90 days after the date of the enactment of this Act by the Court when there are at least two associate Judges on the Court) may appoint as employees of the Court without regard to the provisions of subchapter I of chapter 33, United States Code, a clerk, deputy clerk, administrative officer, and certifying officer of the Court (including persons to fill vacancies in such positions); (2) the Court may appoint not to exceed 30 other employees (including persons to replace any such employees without regard to such provisions; and (3) the principles of preference for the hiring of veterans and other persons established in such subchapter shall be applied in the making of any such appointments under clauses (1) and (2).*

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $6,000,000.

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $9,000,000, to remain available until September 30, 1990.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of available funds under this head, $15,000,000 are rescinded.

ADMINISTRATIVE PROVISION

Not to exceed 2 per centum of any appropriations made available to the Environmental Protection Agency for the fiscal year ending September 30, 1989 (except appropriations for "Construction Grants", "Superfund" or "Leaking Underground Storage Tanks") may be transferred to any other such appropriation: Provided, That the receiving appropriation will not be increased by more than 2 per centum.

[FEDERAL EMERGENCY MANAGEMENT AGENCY

[EMERGENCY FOOD AND SHELTER PROGRAM

[(TRANSFER OF FUNDS)

[For an additional amount for the "Emergency food and shelter program", $15,000,000 to be derived by transfer from "Urban development action grants".]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[RESEARCH AND PROGRAM MANAGEMENT

[(TRANSFER OF FUNDS)

[For an additional amount for "Research and program management", up to $15,000,000, of which up to $10,000,000 shall be derived by transfer from "Research and development" and up to $5,000,000 shall be derived by transfer from "Space flight, control and data communications".]

ADMINISTRATIVE PROVISION

Not to exceed 2 per centum of any appropriations made available to the National Aeronautics and Space Administration for the fiscal year ending September 30, 1989, may be transferred to any other such appropriation: Provided, That the receiving appropriation will not be increased by more than 2 per centum.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and related activities", $75,000,000, to remain available until September 30, 1991.

CHAPTER XI

DISTRICT OF COLUMBIA

INAUGURAL EXPENSES PAYMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Inaugural expenses payment", $1,000,000, to be derived from Expenses, Presidential Transition, General Services Administration.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 to 2269-2), $7,190,000 are rescinded.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-2), $17,026,000 are rescinded.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $28,150,000, of which $5,000,000 shall be solely for overtime expense of the Metropolitan Police Department, and $800,000 shall be solely for overtime expenses of the Superior Court, and shall remain available until expended.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", of $4,529,000, $3,758,000 of

which shall be allocated for the public schools of the District of Columbia and $771,000 to the District of Columbia School of Law: Provided, That of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $2,000,000 for the University of the District of Columbia, $6,000 for the Educational Institution Licensure Commission, $389,000 for the Public Library, and $185,000 for the Commission on the Arts and Humanities are rescinded for a net increase of $1,949,000.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $35,913,000: Provided, That $3,611,000 of this appropriation, to remain available until expended, shall be available solely for the District of Columbia employees' disability compensation: Provided further, That of the funds provided for the Office of Emergency Shelter and Support Services, $750,000 shall be used to provide food for the homeless and may not be used for any other purpose.

PUBLIC WORKS

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $5,219,000 are rescinded.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center fund", $543,000.

REPAYMENT OF LOANS AND INTEREST

Of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-5), $5,834,000 are rescinded.

REPAYMENT OF GENERAL FUND DEFICIT

For an additional amount for "Repayment of general fund deficit", $13,950,000: Provided, That in addition, all net revenue that the District of Columbia government may collect as a result of the District of Columbia government's pending appeal in the consolidated case of U.S. Sprint communications et al. v. District of Columbia, et al., CA 10080-87 (court order filed on November 14, 1988), shall be applied solely to the repayment of the general fund accumulated deficit.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", $4,592,000.

PERSONAL SERVICES ADJUSTMENTS

Of the funds appropriated under this heading for fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 through 2269-6), $18,553,000 are rescinded. During the fiscal year ending September 30, 1989, the Mayor shall reduce the number of authorized, continuing, full-time, funded positions above DS-10 by 318.

ENERGY ADJUSTMENT

The Mayor shall reduce authorized energy appropriations and expenditures within object class 30a (energy) in the amount of an additional $349,000, within one or several of the various appropriation headings in this Act.

EQUIPMENT ADJUSTMENT

The Mayor shall reduce authorized equipment appropriations and expenditures within object class 70 (equipment) in the amount of $3,500,000, within 1 or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $131,942,000, to remain available until expended: Provided, That $15,970,000 of prior year authority is rescinded for a net increase of $115,972,000: Provided further, That $4,185,000 shall be available for project management and $9,425,000 for design for the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: Provided further, That $25,000,000 shall be available to the Department of Corrections for a feasibility study, site acquisition, and design and construction of a jail that is generally bounded by G Street, N.W. on the north, 6th Street, N.W. on the west, Pennsylvania Ave., N.W. on the south and 1st Street, N.W. on the east. The feasibility study shall include a companion analysis of a revised mission for the present jail to prevent duplication: Provided further, That the executive branch is prohibited from disposing of any property in the Judiciary Square area that is under the jurisdiction of the Mayor until a site has been chosen.

REPROGRAMMING AND REDUCTIONS

No funds appropriated in this act for the operation of programs, projects, or activities of the government of the District of Columbia for which the Council of the District of Columbia has approved a specific budget increase shall be reprogrammed or reduced prior to 30 days written notice to the Council of the District of Columbia.

WATER AND SEWER ENTERPRISE FUND

An amount, not to exceed $100,000, is appropriated to compensate individuals as provided in the Water Main Break Fund Emergency Act of 1988, effective December 21, 1988 (D.C. Act 7-269; to be codified at D.C. Code, sec. 47-375, note).

ADMINISTRATIVE PROVISION

The United States hereby forgives $5,064,000 of the fourth quarter indebtedness incurred by the District of Columbia government to the United States pursuant to the Act of March 3, 1915, D.C. Code § 24-424, as amended, this amount being equal to the increased cost of housing District of Columbia convicts in Federal penitentiaries during the fiscal year ending September 30, 1989.

Notwithstanding any other provision of law, including, but not limited to the District of Columbia Historic Landmark and Historic District Protection Act of 1978, D.C. Law 2-144, as amended, 25 DCR 6939 (1979), the District of Columbia Government is directed to begin construction of a correctional facility to be located in the District of Columbia, as described in Public Law 99-591, within thirty days of enactment of this Act.

TITLE II—URGENT SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $19,200,000, to remain available until expended, to be derived by transfer from the unobligated balances of the Economic Development Revolving Fund, notwithstanding any other provision of law, including section 257(c) of the Trade Act of 1974, as amended, and section 203 of the Public Works and Economic Development Act of 1965, as amended.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(TRANSFER OF FUNDS)

Not to exceed an additional $1,000,000 may be transferred to "Salaries and expenses, general legal activities" from Federal Prisons System, "Salaries and expenses" upon notification by the Attorney General to the Committees on Appropriation of the House of Representatives and the Senate in compliance with the provisions set forth in section 606 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

From the amounts made available to the National Institute of Justice in Public Law 100-459, there shall be available $200,000 for a grant to the University of South Carolina for the purpose of studying the causes and effects of the increasingly disproportionate use of illegal drugs in the black community.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Title II of Public Law 100-459, "Department of Justice Appropriations Act, 1989" is amended by inserting the following new section:

"SEC. 212. The Director of the Federal Bureau of Investigation shall make periodic payments to employees of the Newark Division of the Federal Bureau of Investigation as a per centum of basic pay paid or payable to such employees for services performed during such period. Periodic payments to Newark Division employees shall be at a uniform percentile within a work location, but may vary among the field headquarters, resident agencies and other permanent offsite work areas as determined necessary by the Director to reflect cost of living differences within the division, however, periodic payment under this section may not exceed 15 per centum nor be less than 10 per centum of base pay.

Amounts paid under this section shall be in addition to basic pay. Authority to make payments under this section shall be effective only to the extent of available appropriations, and so long as the demonstration project authorized under section 601 of Public Law 100-453 remains in effect.

DEPARTMENT OF STATE

GENERAL PROVISION

For the purpose of meeting urgent requests that may arise during fiscal year 1989, for contributions and other assistance for new international peacekeeping activities and to reimburse funds originally appropriated for prior international peacekeeping activities, which have been reprogrammed for new international peacekeeping activities, the President may transfer to the Department of State "Contributions for International Peacekeeping Activities" account or other appropriate accounts administered by the Department of State, notwithstanding section 15(a) of the Department of State Basic Authorities Act of 1956, section 10 of Public Law 91-672, section 514 (as amended by section 589) of the Foreign Operations, Export Financing, and Related Programs Appro-

priations Act, 1989 (Public Law 100-461), or any other provision of law, such sums as he deems necessary, not to exceed $125,000,000, from funds available to the Department of Defense during fiscal year 1989, but not provided in the Department of Defense Appropriation Act, 1989 (Public Law 100-463), and from any account for which provision is made in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989: Provided, That any funds so transferred shall remain available only for the term of availability specified in the appropriation Act originally making such funds available: Provided further, That prior to exercising the authority granted in this section, the President shall advise the Speaker of the House of Representatives and the President of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations and Armed Services of the Senate and the House of Representatives of his intention to do so: Provided further, That the transfer and obligation of such funds shall be subject to the reprogramming procedures of the Committees on Appropriations of the Senate and the House of Representatives.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

FEDERAL SHIP FINANCING FUND

For payment to the Secretary of Treasury for debt reduction, $515,000,000, to remain available until expended.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

That the authority under the Supplemental Appropriations Act, 1985 (Public Law 99-88) with respect to the relocation of the Fort Lauderdale Monitoring Station be amended to authorize the Federal Communications Commission to expend the funds remaining from the sale of the Fort Lauderdale, Florida Monitoring Station, for salaries and expenses in fiscal year 1989 in lieu of returning the unused funds to the general fund of the United States Treasury.

LEGAL SERVICES CORPORATION

ADMINISTRATIVE PROVISION

None of the funds appropriated under this Act or under any prior Acts for the Legal Services Corporation, or any other funds available to the Corporation, shall be used by the Corporation Board, members, staff or consultants, to consider, develop or implement any system for the competitive award of grants unless and until such action is authorized or undertaken pursuant to a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate: Provided, That the Corporation shall insure that all grants or contracts made during calendar year 1989 to all grantees funded under sections 1006(a) (1) and (3) of the Legal Services Corporation Act with funds appropriated in Public Law 100-459, or prior appropriations Acts, (1) shall be made for a period of at least twelve months beginning on January 1, 1989, so as to insure that the total annual funding for each current grantee or contractor is no less than the amount provided pursuant to Public Law 100-459, and (2) shall be subject only to the terms and conditions, including those regulations, policies, rules, guidelines, instructions, data collection systems and accounting and audit procedures that were in operational effect on October 1, 1988: Provided further, That the revisions to the regulations on alien representation adopted by the Legal Services Corporation on January 27, 1989, may remain in effect unless the Attorney General determines, pursuant to Public Law 99-603, that newly legalized aliens are not ineligible for legal services as provided through grants from the Legal Services Corporation: Provided further, That it is the sense of the Senate that any changes in Legal Services Corporation regulations, policies, rules and guidelines should be considered by a Board of Directors composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate.

ADMINISTRATIVE PROVISIONS

SEC. 101. Funds appropriated to the Commission for the Study of International Migration and Cooperative Economic Development and the Commission on Agricultural Workers in Public Law 100-459 shall remain available until expended.

SEC. 102. The Director of the Administrative Office of the United States Courts, under the supervision of the Judicial Conference of the United States, and upon notification to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in Section 606 of Public Law 100-459, may transfer unobligated balances available under Courts of Appeals, District Courts, and Other Judicial Services, "Defender Services", to any appropriation account of the Judiciary: *Provided,* That compensation and reimbursement of attorneys and others as authorized under 18 U.S.C. 3006A and 28 U.S.C. 1875(d) may hereinafter be paid from funds appropriated for "Defender Services" in the year in which payment is required.

SEC. 103. Funds heretofore or hereafter appropriated or otherwise made available to the United States Information Agency for television broadcasting to Cuba may be used by the Agency to lease, maintain and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

ADMINISTRATIVE PROVISIONS

SEC. 201. *(a)* Section 8111 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-38) is amended by striking out "$1,163,200,000" and inserting in lieu thereof "$1,258,600,000".

(b) The additional funds made available pursuant to subsection (a) may be used only to cover costs related to underestimates of the cost of transporting exchange merchandise to overseas locations and to compensate for adverse changes in foreign currency exchange rates.

SEC. 202. Section 8119 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-39/40) is repealed.

SEC. 203. Section 8080 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is amended by inserting the following provision at the end of the paragraph, after "skills": ": *Provided further,* That these limitations shall not apply to members who enlist in the armed services on or after July 1, 1989, under a fifteen-month program established by the Secretary of Defense to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense".

[SEC. 204. (a) None of the funds available to the Department of Defense during the current fiscal year may be obligated or expended for research, development, test, evaluation, production, deployment, or operation of the Mid-Infrared Advanced Chemical Laser/SEALITE Beam Director.

[(b) The limitation in subsection (a) shall not apply to the extent that (1) the Secretary of Defense submits to the Committees on Appropriations and on Armed Services of the Senate and House of Representatives a description of proposed funding during the current fiscal year for the Mid-Infrared Advanced Chemical Laser-SEALITE Beam Director (including the amount and the source of such funding), and (2) such funding is treated in accordance with procedures applicable to programs which have been designated as items of congressional interest.

[(c) The limitation in subsection (a) does not apply with respect to the obligation or expenditure of funds for expenses required for the termination of a contract.]

SEC. 204. Section 8031 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-22/23) is amended by inserting "High mobility multipurpose wheeled vehicle;" after "M-1 tank Chassis;".

SEC. 205. The appropriation "Operation and Maintenance, Army" contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-2/3) is amended by adding the following after "Championships": ": Provided further, That, of the funds appropriated in this paragraph, $50,000,000 shall be available only for procurement for the Extended Cold Weather Clothing System (ECWCS) unless $50,000,000 of ECWCS is procured by the Army Stock Fund during fiscal year 1989".

SEC. 206. The Secretary of Defense may conduct a test program to adjust pay rates to reflect local prevailing rates of pay for civilian employees in the following health care occupations: nurse, physician assistant, medical records librarian, medical laboratory technician, and radiology technician.

SEC. 207. Section 8037 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-23), is amended by striking out "39 individuals" and inserting in lieu thereof "45 individuals".

CHAPTER III

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

GENERAL PROVISIONS

SEC. 301. None of the funds available to the Department of the Interior may be used to place on the National Register of Historic Places the Al Capone House at 7244 South Prairie Avenue, Chicago, Illinois.

SEC. 302. The King Center and the National Park Service are authorized to locate an additional parking site for the Martin Luther King National Historic Site within the National Historic Site and Preservation District Boundary in accordance with Federal and State preservation regulations, in lieu of the vacant lot on the north side of Irwin between Jackson and Boulevard as specified in Public Law 100-202.

CHAPTER IV

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

For the settlement of promissory notes issued to the Secretary of the Treasury, $10,770,941, to remain available until expended[, together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes].

GENERAL PROVISIONS

SEC. 301. Section 312 of Public Law 100-457 is amended by deleting "$276,000" and inserting in lieu thereof "$300,000".

SEC. 302. [Notwithstanding any other provision of law, the New York State Bridge Authority shall have the authority to collect tolls on the Newburgh-Beacon Bridge and to utilize the revenue therefrom for the construction and reconstruction of and for the costs necessary for the proper maintenance and operation of any bridges and facilities under the jurisdiction of such Authority and for the payment of debt service on any of the Authority's obligations issued in connection therewith.] *Section 341 of Public Law 100-457 is amended by deleting "2" and inserting in lieu thereof "5".*

CHAPTER V

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

Under this heading in the Treasury Department Appropriations Act, 1989, Public Law 100-440, after the words, "Provided, That", insert "with the exception of the transfer of two E2C aircraft to the U.S. Coast Guard,".

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

Funds appropriated under this heading in the Treasury, Postal Service, and General Government Appropriations Act, fiscal year 1989, Public Law 100-440, for construction of barriers at the south end of the White House shall remain available until expended.

DEPARTMENT OF TREASURY—GENERAL PROVISIONS

Section 103 under this heading in the Treasury Department Appropriations Act, 1989 (Public Law 100-440) is amended by striking "1 per centum" and inserting in lieu thereof "2 per centum".

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Notwithstanding any other provision of law, for an additional amount for "Salaries and expenses", for grants to the Popular Democratic Party, the New Progressive Party, and the Puerto Rican Independence Party of the Commonwealth of Puerto Rico, $1,500,000, to remain available until the sine die adjournment of the One Hundred First Congress: Provided, That grants shall be made to each such party in equal amounts, not to exceed $500,000 each: Provided further, That such funds shall be made available for necessary expenses incurred after March 1, 1989, to each such party to participate in the legislative process involving the future political status of Puerto Rico, including the travel and transportation of persons, services as authorized by section 3109 of title 5, United States Code, communications, utilities, printing and reproduction, and supplies and materials and other related services, and for administrative costs: Provided further, That under such regulations as the Comptroller General may prescribe, the Comptroller General shall perform a financial audit of the financial transactions made by each such party with such funds: Provided further, That such funds may not be used directly or indirectly to finance the campaigns of candidates for public office.

OTHER INDEPENDENT [AGENCY] *AGENCIES*

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

Amounts made available under this heading in the Independent Agencies Appropriations Act, 1989 (Public Law 100-440), which are to be transferred from the Trust Funds for implementing the recordkeeping system of the Federal Employees' Retirement System, shall remain available until expended.

GENERAL SERVICES ADMINISTRATION

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Administrator of General Services (Administrator) shall transfer to the administrative jurisdiction of the Holocaust Memorial Council (Council), without consideration, the Auditors West Building (Annex 3) located at Raoul Wallenberg Place and Independence Avenue Southwest, Washington, District of Columbia.

Prior to such transfer of jurisdiction to the Council, the Council shall agree to perform all necessary repairs and alterations to the Auditors West Building so as to renovate the exterior of the Auditors West Building in a manner consistent with preservation of the historic architecture of the building, and to preserve the structural integrity of the building. The Council, prior to such transfer, shall furnish to the Administrator, for his approval, a plan detailing the repairs and alterations proposed, dates for completion of the work, and funding availability.

In the event the Council ceases to exist, administrative jurisdiction of the Auditors West Building (Annex 3) shall revert to the General Services Administration.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $250,000.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

SEC. 201. (a) Notwithstanding any other provision of law, the General Services Administration is hereby authorized to purchase, from annual funds available in the Federal Buildings Fund in fiscal year 1989, such additional furniture and equipment as may be necessary, not to exceed $1,500,000, for the National Oceanic and Atmospheric Administration to relocate to the Silver Spring, Maryland Metro Center.

(b) The National Oceanic and Atmospheric Administration will reimburse the General Services Administration for such expenditures in equal amounts over a period of five years, beginning in fiscal year 1991.

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the $3,000,000 appropriated in the Treasury Department Appropriations Act, 1989, for "Expenses, Presidential Transition", $250,000 is hereby rescinded.

CHAPTER VI

DEPARTMENT OF VETERANS AFFAIRS

GENERAL OPERATING EXPENSES

The costs of external contract audits shall be charged to "Construction, major projects", "Construction, minor projects", and the "Supply fund", as appropriate, and be made retroactive to October 1, 1988.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The Secretary of Housing and Urban Development may make amounts reserved or obligated under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for particular projects under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), available as subsidy amounts for such projects under section 202(h)(4) of such Act.

RENTAL HOUSING ASSISTANCE

Such sums as may be necessary are hereby approved to implement the authority conferred on the Secretary of Housing and Urban Development by section 236(r) of the National Housing Act to provide interest reductions and rental assistance payments: *Provided,* That notwithstanding the second sentence of such section 236(r), an application shall be eligible for assistance under such section if the mortgagee submits an application within five hundred and forty-eight days after the effective date of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Funds under this head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 shall be made available for a special project under section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307) to the Hawaii State Department of Hawaiian Home Lands, for infrastructure development on Hawaiian Home Lands, notwithstanding the restrictions on alienation applicable to such lands.

INDEPENDENT AGENCIES

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The limitation carried under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 on program development and management in fiscal year 1989 is increased by $750,000.

GENERAL PROVISION

Section 406 under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404) is amended by striking out "the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitation" and inserting in lieu thereof "any officer or employee authorized such transportation under title 31, United States Code, section 1344".

TITLE III—TECHNICAL ENROLLMENT CORRECTIONS

SEC. 301. The appropriation Operation and Maintenance, Navy as contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-3) is amended by striking out ", of which $60,000,000 shall be transferred to the Coast Guard".

SEC. 302. In Public Law 100-461, "An Act making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1989, and for other purposes", in TITLE V—GENERAL PROVISIONS, following the last "." in section 572, insert the following:

"RESOLUTION OF JAPANESE BEETLE PROBLEM"

"SEC. 573. None of the funds appropriated by this Act may be used to fund any programs to assist in solving the Japanese beetle problem in the Azores. It is the sense of the Congress that this problem was created by the Department of Defense which should fund any program to resolve it.".

SEC. 303. In Public Law 100-446, "An Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Navajo and Hopi Indian Relocation Commission" delete the sum "$27,323,000" and insert in lieu thereof "$27,373,000".

SEC. 304. In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "National Agricultural Library", delete the sum "$13,268,000" and insert in lieu thereof "$14,268,000".

SEC. 305. In Public Law 100-457, "An Act making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Urban Mass Transportation Administration, Interstate Transfer Grants-Transit" delete the sum "$2,000,000,000" and insert in lieu thereof "$200,000,000".

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Notwithstanding section 1346 of title 31, United States Code, or section 608 of Public Law 100-440, funds made available for fiscal year 1989 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

[SEC. 403. No funds appropriated under this Act or any other Act shall be available to the Bureau of Alcohol, Tobacco and Firearms for the enforcement of section 204 of the Alcoholic Beverage Labeling Act of 1988, title VIII of the Anti-Drug Abuse Act of 1988, Public Law 100-690, (102 Stat. 481) and regulations issued thereunder, as it relates to malt beverage glass returnable bottles of 12 ounces or less to which labels have been permanently affixed by means of painting and heat treatment, which were ordered on or before April 21, 1989, provided the closure for such bottles contain the warning statement, and provided further, that any new returnable glass bottles ordered after April 21, 1989, will be in full compliance with section 204 and the regulations issued thereunder.]

SEC. 403. (a) Within 6 months of the enactment of this Act, the Secretary shall review the eviction procedures of all jurisdictions having a Public Housing Authority for the purpose of determining whether such procedures must meet Federal due process standards.

(b) Upon conclusion of the review mandated by subparagraph (a), if the Secretary determines that due process standards are met for a jurisdiction, the Secretary shall issue that jurisdiction a waiver of the procedures required in section 6(k) of the United States Housing Act of 1937, 42 U.S.C. 1437d(k).

(c) Within 60 days of completion of the review mandated by subparagraph (a), the Secretary shall report to Congress the findings of the review including all waivers granted in accordance with subparagraph (b).

This Act may be cited as the "Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989".

Mr. BYRD. Mr. President, my distinguished colleague, the ranking member of the Appropriations Committee, Mr. HATFIELD, is on his way and will be here shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I will begin my opening statement. Senator HATFIELD is on his way. Hopefully, we can finish this bill before 5 o'clock today. I see no reason why we should not. So I shall begin.

Mr. President, the budget summit agreement of November 1987 allows for supplemental appropriations for dire emergencies. The bill before the Senate, H.R. 2072, is the dire emergency supplemental appropriations bill. It includes appropriations totaling $2,823,896,500 for mandatory programs. These are programs for which funding is statutorily set and therefore beyond the control of the Appropriations Committee.

Among the amounts recommended by the committee for these mandatory programs are guaranteed student loans, $892,428,000; VA compensation and pensions, $701,481,000; payments to States for foster care and assistance, $423,345,000; reimbursement of firefighting costs, $341,669,000; food stamps, $224,624,000; VA loan guarantee revolving fund, $120,100,000; Federal unemployment benefits and allowances, $56,000,000; trade adjustment assistance, $34,648,000; VA readjustment benefits, $22,212,000.

For discretionary programs, title I of the bill contains appropriations totaling $563,832,000 in new budget authority. Of this amount, $340,125,000 is recommended for VA medical care.

Mr. President, this appropriation is needed immediately; now.

The cost-of-living increase this past January, plus an increase in premiums for Federal employee health benefits, has caused enormous problems for the Veterans' Administration. The amount recommended by the committee will enable the Veterans' Administration to reduce outpatient delays and restore the beds, facilities, and payments that have been curtailed due to a shortage of funds. It will provide for an additional 600,000 outpatient visits. It will also enable the Veterans' Administration to reach the congressionally mandated staffing level of 194,720 positions. Without these additional funds, the staffing level would fall to 186,000 by the end of the fiscal year.

We have been informed by the Secretary of Veterans' Affairs, the Honorable Edward Derwinski, that these funds are needed by mid-June if he is to avoid personnel reductions and cutbacks on the services being provided to our Nation's 27 million veterans who use VA hospitals.

Another program in dire need of immediate additional funding is the Essential Air Services Program. As Senators are aware, this is a program that provides essential air service to 155 small communities throughout the Nation that would otherwise have no air service at all.

Five of those are in West Virginia; 150 of them are not in West Virginia, but are in the various States that are represented by other Members of this body.

Despite the fact that President Reagan signed into law in 1987 a 10-year reauthorization of this program, he refused to request funding for the essential air service. Congress had to provide the funds for fiscal year 1989. The $6.6 million recommended in the bill for essential air service is needed to prevent this immediate elimination of this program.

Secretary of Transportation Skinner has been most cooperative in working with the committee on this matter. In response to my concern, as well as that of other Senators, Secretary Skinner delayed implementation of a partial shutdown of the program which would have occurred on March 1 of this year.

He has repeatedly shown a willingness to assist the Appropriations Committee in its efforts to provide the additional $6.6 million needed to continue this program through the remainder of this fiscal year. However, in a letter to me dated May 1, 1989, Secretary Skinner states that without additional funding he will need to notify air carriers in early June that payments to them under the Essential Air Services Program will be terminated the following month, which means July 1.

Mr. President, I ask unanimous consent that a more detailed background paper on the Essential Air Service Program, including attachments, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND

The Essential Air Services [EAS] Program provides funding to allow small communi-

ties to receive scheduled air service. Five West Virginia communities receive service under this program—Beckley, Clarksburg-Fairmont, Elkins, Morgantown, and Princeton-Bluefield. Nationwide, approximately 155 communities are provided air service through this program.

In 1978, when the Airline Deregulation Act took effect, 746 communities in the United States were listed on air carrier certificates as receiving air carrier service. And prior to deregulation, most of these communities were assured a minimum level of service. In light of the provisions in the Airline Deregulation Act that allowed air carriers to terminate service without Government approval, there was a concern that the smaller, more rural communities would lose out to the larger, more lucrative markets. To address this concern, Congress created the Essential Air Services Program.

The program proved successful, and congressional interest in ensuring continued service to these communities remained strong, so the program was reauthorized for another 10 years in the Airport and Airway Safety and Capacity Expansion Act of 1987, Public Law 100-223.

The fiscal year 1989 transportation bill provided $25 million for the Essential Air Services program. The Department of Transportation has now estimated that the funding needed for the program will total between $31 and $32 million in 1989.

Because of the estimated shortfall, DOT issued a proposed rulemaking on December 9, 1988, that set forth four alternatives for reducing the subsidies needed. Each of these proposed alternatives would cause one or more of the West Virginia airports involved in the program to lose their subsidy, and would have eliminated nationwide service to about 43 communities. The final rule was to have been published on or about January 30, 1989, and was to have been implemented on March 1, 1989.

The fiscal year 1990 budget forwarded to Congress by President Reagan, including the amendments suggested by President Bush, do not contain any request for fiscal year 1989 supplemental funding for the Essential Air Services program. In fact, the budget proposes to terminate the program by October 1, 1989. This is totally contrary to action taken by the Congress in 1987, when Congress extended the EAS program for an additional 10 years.

On January 10, 1989, I asked Deputy Secretary Mimi Dawson and then-Secretary Designate Samuel Skinner to not issue the final rule until the Congress had had an adequate opportunity to review the issue. On January 17, 1989, and on January 20, respectively, Deputy Secretary Dawson and Secretary Designate Skinner, by letter to me, agreed to delay further action on the rulemaking. Mr. President, I ask unanimous consent that those letters be included in the record at this point.

REASON FOR URGENCY

On April 3, Secretary Skinner provided me with an update on the EAS funding dilemma. Briefly, the Secretary advised me that, if additional funds are not provided by June 1, with an EAS termination date of July 1, 114 communities would lose air service. This would be all eligible points in the United States except for Alaska and the Pacific area.

If additional funds are not provided by June 28, with an EAS termination date of July 28, all eligible points would lose service, reflecting a complete shutdown of the program.

Secretary Skinner goes on to say, and I quote:

"As you know, the Department cannot solve this problem internally. Appropriating additional funds or transferring funds from other accounts requires legislative approval by Congress. I continue to pledge my full cooperation in seeking a resolution to this important issue."

I ask unanimous consent that Secretary Skinner's letter be included in the RECORD at this point.

Mr. President, I urge my colleagues to support this provision in the supplemental bill. In fact, 39 Members have indicated their support for this program either directly to me or to the distinguished Subcommittee Chairman, Senator LAUTENBERG.

I know that he joins me in urging passage of this supplemental, including this provision.

But the amount included in the fiscal year 1989 Appropriations Bill, $25 million, is insufficient to subsidize the existing 155 communities at the allowable current level rate. So, to prevent disruption of service to those communities, or to prevent total elimination of service to a selected number of communities, this supplemental is necessary.

SUBSIDIZED ESSENTIAL AIR SERVICE COMMUNITIES

ALASKA—Atka-Akhiok, Alitak, Amook Bay, Karluk, Kitoi Bay, Moser Bay, Old Harbor, Olga Bay, Ouzinkie, Parks, Port Bailey, Port Lions, Port Williams, Uganik, Seal Bay, Terror Bay, West Point, Zachar Bay; Boswell Bay, Cape Yakataga, Central, Chisana, Circle, Cordova, Gustavus, Icy Bay, Ivanoff Bay, May Creek, McCarthy, Nikolski, Nyac, Perryville, Petersburg, Port Heiden, Sand Point, Seward, St. George, Wrangell, Yakutat, 19 Kodiak Island Points.

ALABAMA—Anniston, Gadsden.

ARIZONA—Kingman, Page, Winslow.

ARKANSAS—Camden, El Dorado, Harrison, Hot Springs, Jonesboro.

CALIFORNIA—Blythe, Crescent City, Merced.

COLORADO—Alsmosa, Cortez, Lamar.

GEORGIA—Athens, Moultrie-Thomasville.

ILLINOIS—Mt. Vernon, Sterling-Rock Falls.

INDIANA—Elkhart, Kokomo-Logansport-Peru, Terre Haute.

IOWA—Clinton, Ottumwa.

KANSAS—Dodge City, Garden City, Goodland, Great Bend, Hays, Hutchinson, Independence-Parsons-Coffeyville, Liberal-Guymon.

KENTUCKY—Owensboro.

MAINE—Lewiston-Auburn.

MASSACHUSETTS—New Bedford.

MICHIGAN—Alpena, Battle Creek, Benton Harbor-St. Joseph, Iron Mountain, Ironwood, Jackson, Manistee, Menominee-Marinette, Sault Ste. Marie.

MINNESOTA—Fairmont, Mankato, Worthington.

MISSOURI—Ft. Leonard Wood, Kirksville.

MONTANA—Glasgow, Glendive, Havre, Lewistown, Miles City, Sidney, Wolf Point.

NEBRASKA—Alliance, Chadron, Columbus, Grand Island, Hastings, Kearney, McCook, Norfolk, North Platte, Scottsbluff, Sidney.

NEVADA—Ely.

NEW HAMPSHIRE—Laconia.

NEW JERSEY—Cape May.

NEW MEXICO—Alamogordo, Clovis, Hobbs, Santa Fe, Silver City-Hurley-Deming.

NEW YORK—Massena, Ogdensburg, Plattsburgh, Saranac Lake, Watertown.

NORTH CAROLINA—Rocky Mount-Wilson, Winston-Salem.

NORTH DAKOTA—Devils Lake, Jamestown, Williston.

NORTHERN MARIANAS—Rota.

OHIO—Mansfield.

OKLAHOMA—Enid, McAlester, Ponca City.

OREGON—Salem.

PENNSYLVANIA—Franklin-Oil City.

PUERTO RICO—Ponce.

SOUTH DAKOTA—Brookings, Huron, Mitchell, Pierre, Yankton.

TENNESSEE—Clarksville-Ft. Campbell, Hopkinsville.

TEXAS—Brownwood, Paris, Temple.

UTAH—Cedar City, Moab, Vernal.

VERMONT—Montpelier.

VIRGINIA—Danville, Hot Springs.

WASHINGTON—Moses Lake-Ephrata.

WEST VIRGINIA—Beckley, Princeton-Bluefield, Clarksburg-Fairmont, Elkins, Morgantown.

WISCONSIN—Beloit-Janesville, Manitowoc.

WYOMING—Worland.

Mr. BYRD. The bill also includes $100 million requested by the administration for immigration and refugee assistance in order to respond to an unanticipated increase in the number of Soviet refugees being permitted to leave that country.

Title II of the bill contains urgent supplemental appropriations for various programs. The budget authority for these appropriations is offset in full by transfers among appropriation accounts.

The largest appropriation in title II provides for the transfer of $120 million requested by the administration for peacekeeping operations. These funds are to be used for new international peacekeeping activities in Afghanistan, the Persian Gulf, South Africa, and other areas of conflict.

In keeping with the 1987 budget summit agreement, the committee has been careful to limit the funding in this bill to programs which are in dire need of additional funds in fiscal year 1989. The urgent items have been funded through transfers and 83 percent of the funding of the bill, $2.82 billion, is for mandatory programs which are beyond the committee's ability to control.

As Members of the Senate are aware, the House bill would provide an additional $822 million for various agencies involved in the war on drugs. Whether to include additional drug funding in this measure was a very contentious issue in the House. The administration has taken the position that the appropriations in this measure should be limited to programs that are in dire need of additional funds now.

Mr. Darman, the Director of the Office of Management and Budget, has provided information to the committee which shows that, of the $5,232,400,000 in drug funding already

appropriated in fiscal year 1989, approximately 56 percent, more than half, was unobligated as of March 31, 1989. Since it is clear that the agencies involved in the war on drugs will not run out of funding between now and September 30, and since the fiscal year 1990 budget contains $6 billion more for drug funding, Mr. Darman has indicated that he will recommend a veto of this supplemental if the drug funding in the House bill is not removed.

The committee recommends deletion of the drug funding from H.R. 2072. I am just as strong a supporter of the war on drugs as any Senator. Nobody in this Senate takes a back seat to any other Senator in this matter. There is no back seat. Every Senator is on the front line. Every Senator is on the front seat, and we are all just as interested as anyone could possibly be in dealing with this serious problem. But this is not the place to provide more drug funding.

We passed a $1 billion drug act supplemental in November of last year. Those funds, plus the $4.3 billion in drug funding provided in the regular fiscal year 1989 appropriation bills, are sufficient to carry these programs through September 30. In a matter of weeks, we will have fiscal year 1990 appropriations bills before the Senate.

In a matter of weeks we will have completed our hearings with the departments and agencies involved in the war on drugs. We will then be able to recommend to the Senate where to put the $8 billion that has been requested for fiscal year 1990 for the war on drugs so that it will do the most good.

We need to get the supplemental bill through the Senate, we need to get it through today, and through conference with the House so that it can be signed into law as quickly as possible. Many of the programs for which funding is provided in this bill are out of funds.

The VA essential services—I have already addressed that problem. Food stamps, payments to States for foster care and adoption, guaranteed student loans, firefighting cost reimbursements—these programs cannot wait any longer for Congress to complete action on this bill.

I urge Senators to support the committee bill, to limit their amendments to those that require immediate attention in the context of the bipartisan budget agreement of November 1987.

Mr. President, that completes my statement at this point. I want to thank my very distinguished colleague and esteemed friend, Senator MARK HATFIELD, the ranking member of the Appropriations Committee, for his unswerving support throughout the deliberations on this bill, and without which support the bill could not have been marked up on yesterday. The markup could not have been completed and the bill could not have been kept clean in a way that will avoid Presidential veto.

I now yield the floor, for Senator HATFIELD's statement.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, first I would like to express my deep appreciation for the privilege of working with Senator BYRD, our chairman of the Appropriations Committee. He dealt with this bill in total fairness, recognizing the role of the minority, and being fair and equitable in all of his handling of this committee. I might say to Senator BYRD it is a great pleasure always to work with a true professional.

Mr. President, the chairman of our committee, Senator BYRD, has summarized the appropriations bill very well, and I will not take the time of the Senate by adding to those remarks at any length. I would like to emphasize a couple of points.

First, most of the funds recommended in this bill are for mandatory programs such as food stamps, unemployment benefits, guaranteed student loans and veterans compensation and pensions. The amounts recommended for these programs total $2.8 billion. This additional spending in fiscal year 1989 has already been calculated into the 1989 deficit estimate.

For the discretionary programs, the committee is recommending a total of $563 million in budget authority, and the largest component of that total is $340 million for veterans medical care and $100 million for immigration and refugee assistance.

We believe we have brought a responsible bill to the Senate. We have the administration's support, and I hope that we can move this bill through the Senate quickly so that we can provide the necessary funding for these several very important programs.

Mr. President, I would like to quote from the statement made by the administration to Senator BYRD, the chairman of the Senate Appropriations Committee, and Representative WHITTEN, the chairman of the House Appropriations Committee. I would like to cite two of the sentences indicating their support:

"The Senate committee bill is clearly a major improvement compared to the House-passed bill."

That indicates one statement. The other statement is, "We can support moving the committee bill forward to conference."

Mr. President, that also indicates that we are going to have to have the administration's support for this bill initially and through the process of a budget waiver and to the conference. We have that support. They have indicated they would not object to the budget waiver in order to be able to lay this bill before the Senate, and they have indicated, of course, their preference for this bill over the House-passed bill.

With that kind of momentum, Mr. President, I urge my colleagues on the Republican side of the aisle to exercise great restraint and discipline in matters relating to any amendments they would add to this bill.

As I indicated, the chairman and the full Appropriations Committee in a very bipartisan way had overwhelming support for a very important change in this bill to reject that upon a motion made by the chairman to table the amendment to reject the amendment on the basis that we ought to keep this bill as closely to this form as we can because of the necessity of funding these programs of the great concerns those recipients and those administrators have in giving these moneys out to those who have by law, who have earned, or who have eligibility for these programs. So again I urge the Republican Members to recognize the importance of moving this bill rapidly and to exercise that self-restraint.

Mr. President, let me urge also the consideration on the important amendments the Members of my party might have that we will be reporting the fiscal year 1990 bills probably about the first of July or the latter part of June so that we have these vehicles coming down the track to consider these important amendments that I know many of my colleagues have on both sides of the aisle. I think that again it recognizes the expeditious manner in which the chairman has been handling the appropriations process to be able to report this to the floor that these fiscal year 1990 bills will be coming to the floor in the next few weeks so that any amendments Members might have that are worthy I am sure of consideration, you will have these vehicles coming down the track on which you can offer and have those amendments considered. Please let us restrain the offering of the amendments at this time on this particular bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that Budget Act points of order be waived on H.R. 2072 as reported by the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that any motion, the effect of which, if adopted, would be to prevent the striking of the House language or any part thereof in

chapter 1 of title I of the House bill, be subject to any points of order authorized in titles III and IV of the Budget Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, with the exception of the following: the amendment on page 12, line 14, through page 14, line 24; and on page 52, line 18, through page 54, line 4; and on page 28, line 19, through page 31, line 16; and that the bill as thus amended be considered as original text for the purposes of further amendment; and provided further that no points of order would have been waived.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HATFIELD. Reserving the right to object——

Mr. BYRD. Mr. President, the three requests have been granted, have they not?

The PRESIDING OFFICER. Is there objection to the three requests?

Mr. HATFIELD. I withdraw the objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to, with the exception of the committee amendment on page 12, line 14, through page 14, line 24; the committee amendment on page 52, line 18, through page 54, line 4, and the committee amendment on page 28, line 19, through page 31, line 16.

Mr. BYRD. Mr. President, the bill is open to amendment, and I am not going to press right at the moment. But I want to say to all Senators that it is in the interest of the various agencies and programs that this bill be processed today. There will be a time during the day when there can be no votes for reasons already stated by the distinguished majority leader.

So I urge Senators to come to the floor if they are going to offer amendments, and to call them up.

WAIVER OF PASTORE RULE

Mr. BYRD. At this point, I understand Mr. GRASSLEY has some nongermane matter that he wishes to address. I ask unanimous consent that the Pastore rule be waived for that purpose for Mr. GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLAUDE PEPPER

Mr. GRASSLEY. Mr. President, first of all, I want to thank the Senator from West Virginia, the chairman of the Appropriations Committee, for allowing me to take the floor at this moment to make some comments about Claude Pepper, to recognize this great American, and to say that with the death of Claude Pepper the country and the Congress lost a great champion of retired people and a splendid exemplar of a career in public service and devotion to the public good.

Senator Pepper—of course, for the last 30 years, Congressman Pepper—was a charter member of the House Select Committee on Aging. That committee was started in 1975, my first year in the Congress, and Senator Pepper became its second chairman.

Under his leadership, the Select Committee on Aging was a pathfinder, identifying, investigating, bringing to congressional and public attention, and, finally, legislating solutions to many of the most important problems encountered by older people. I think it is fair to say that the committee came into its own as a force for many improvements in national policy concerning older citizens under Congressman Pepper's leadership.

Claude Pepper was in the forefront of nursing home reform, the development of Medicare and Medicaid, the inception and subsequent development of Older American Act programs, and the efforts in 1983 to save the Social Security Program from bankruptcy.

In recent years Congressman Pepper fought hard to initiate a program to protect older Americans from the devastating consequences of chronic illness. I had the great and good fortune to serve with Congressman Pepper on the Select Committee on Aging in the House of Representatives from its inception in 1975. I was on that committee until I left the House in 1980.

I was doubly fortunate to serve as the ranking minority member of that committee during Congressman Pepper's tenure as chairman. I can say from direct experience that it was always a tremendous pleasure to work with Senator Pepper. We had a wonderful working relationship during the years that he was chairman and I was ranking member. Although we differed in political philosphy, partisanship was never a factor between us.

He was always solicitous of the needs of older people in Iowa, and was instrumental in assuring that the special committee held hearings in my State. Over the years, I came to be charmed by his personal grace, his thoughtfulness, his intelligence and by his marvelous ability to move people with the spoken word. Over the years of our colleagueship on this committee, I developed the highest respect and personal regard for him.

He continued to lead the way on major issues until almost the very end. In recent months he has been chairman of what has come to be called the "Pepper commission," a body established by Congress to find a legislative solution to the difficult problems of care for those who are with chronic illness and those who are without medical insurance. It is to this Pepper commission that we in the Congress have been looking to outline solutions to these very difficult political problems.

The last time I saw him was at a recent hearing of the Senate Special Committee on Aging where he came to testify. This was just a few weeks ago at which time he testified on the abuses on board and care homes for older people. His testimony was vintage Pepper, well researched, eloquent, forceful, passionate, and infused with moral concern.

His death draws to a close not just a career in advocacy on behalf of older citizens, but a marvelous career in public service, a career that can stand as an example of everything that public service can be. I say that whether you are a conservative or liberal. His work through public institutions to accomplish what he believed in is a very good example for others to follow.

So we have lost a marvelous man and public servant. And I will be one of the many who will miss him.

Thank you, Mr. President.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS—FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I hope that Senators will come to the floor and call up their amendments, if they have amendments. If they have amendments, I suggest that they alert us, the two managers of the bill, quickly. If they do not, we will go to third reading. So I urge Senators to come over and offer their amendments.

I hope that our Cloakrooms will notify Senators to the effect that the two managers are here at their posts of duty and we are ready to take up amendments. We hope we will not have any, but Senators have a right to call up amendments. But they do not have the right to keep the Senate waiting all day. Both managers will be patient, but I think it is well to utter a clear warning that has substance behind it. So I await the appearance of Senators and so does my distinguished colleague.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 111

(Purpose: To provide for additional funding for federal prison space)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator will be advised that the committee amendment is now pending.

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that we may consider the amendment which the Senator has submitted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 111.

At the appropriate place in the bill insert:

DEPARTMENT OF DEFENSE

DRUG INTERDICTION, DEFENSE

SEC. . Of the funds made available under this heading in the Department of Defense Appropriations Act of 1989, Public Law 100-463, $70,000,000 is hereby rescinded.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

SEC. . For an additional amount for "Buildings and Facilities", $70,000,000, to remain available until expended.

Mr. SPECTER. Mr. President, this amendment constitutes a modest reallocation of some $70 million from the Department of Defense, which had been appropriated to the Department of Defense for counterdrug efforts.

The purpose of this amendment, as stated, would be to make this $70 million available at this time for use in making additional prison beds available. According to information provided by Michael Quinlan, the Director of Prisons, it is possible to take existing military bases which are being closed under action already taken by the Congress and by the Department of Defense and to use these military bases, in a reconstructed way, for prison facilities, for as little as $2,000 a bed for minimum security, with that amount varying upward, depending on the level of security which is added on the reconditioning of the military bases.

Under this approach, Mr. President, $70 million could provide for as many as 35,000 additional prison beds, which could be of substantial assistance in our current war on drugs and crime in this country.

Mr. President, last October this floor was a beehive of activity, as Senator after Senator took the floor to denounce the problem of drugs in America, to rearticulate a declaration of war on drugs, and to authorize the expenditure of some $2.7 billion. Since that blast of rhetoric in advance of last November's election, I submit, Mr. President, relatively little has been done to move forward into the trenches, to carry out this war on drugs. At the present time, we are awaiting a report by the new Director of Drug Control, commonly known as the czar and he has a period of some 6 months to submit his report, and I do not challenge in any way the need for that length of time for him to submit his report.

Mr. President, the Congress should not be idle while those plans are being formulated on matters where we know that action could be taken of great significance.

In moving some $70 million from the $300 million already allocated to the Department of Defense for counterdrug efforts, this amendment would not in any way affect the Department of Defense on its primary function to defend the United States.

So let it be clear at the outset that this is no way takes any money in any way, shape, or form for any existing Department of Defense effort. Instead, we would be looking to a small portion, less than 25 percent of the $300 million already appropriated and in the hands of the Department of Defense, to be transferred for use for the prisons.

The $300 million which is now in the hands of the Department of Defense for counterdrug efforts simply stated is not being used.

There were mandates for specific plans to be submitted by the Department of Defense which in fact have not been submitted under the timetable declared.

Under a memorandum prepared by the office of the Assistant Secretary of Defense, Force Management and Personel, dated May 19, 1989, there is a response as to what has been done with the $300 million so appropriated.

Mr. President, I ask unanimous consent that this document be made a part of the RECORD in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, this document says that presently obligated to date the Office of Secretary of Defense Comptroller has transferred $30.239 million to the military departments to support State-level-enhanced National Guard operations.

Then there is a continuation as to plans for expenditures which have not yet been undertaken. It is plain on the face of this document that the $300 million will not be used during the course of fiscal year 1989 to carry out the direction of the Congress in ordering the Department of Defense to have a significant participation in this war on drugs. So, in effect, in reallocating or reprogramming $70 million we would not only not be affecting any function of the Department of Defense in its defense-related duties; we would not be affecting anything the Department of Defense is doing realistically viewed to carry forward its counterdrug effort. The $70 million—really more than the $70 million, but at least $70 million is sitting fallow, not being used for any purpose whatsoever.

What is the situation on the prisons in this country? The prisons are in a deplorable condition.

This amendment goes toward the additional space for Federal prisons, and the amendment is so crafted so that we do not run into the problem of allocating this prison space for State courts but only for the Federal courts. After it is constructed and put into operation, which will take obviously some time, we may at that juncture take another look to see precisely how the additional prison beds will be allocated, but there is ample need within the Federal prison system itself.

As of January 1, 1989, the Federal prison population was 49,928 with a capacity of 29,112. So the excess was almost 21,000.

Projecting ahead on the Federal prisons to 1992, there will be a population estimated by the Department of Justice of some 79,000. So with present capacity there will be an excess population in the range of 50,000, which will be reduced to some extent by additional prison construction which is currently contemplated. However, there is no question about the urgent need in the Federal prisons today for additional space.

It may be that the Federal prisons will be able to make use of some of this space for State-related needs. There is a considerable overlap between the Federal Government and the State and local governments on prison space. For example, in the Allegheny County jail there are quite a number of spaces which are currently being taken up with Federal prisoners. The same situation is prevalent in Philadelphia County. That situation prevails in many places in this country. So if we make available Federal prison spaces and Federal prisoners occupy them, that in turn would relieve spaces for utilization by State systems or county systems.

Mr. President, the situation on prisons in this country today is generally deplorable; 45 of the 50 States are either under a court order at the

present time for overpopulation or litigation is pending. Those cases are entrusted to Federal judges, and while we characteristically are critical of the role of the Federal courts in taking over so many operations which had heretofore been entrusted to State or local governments, the operations of prison systems, the operation of school systems, it is a legislative responsibility to act to correct the situation. I submit, Mr. President, that this body, the U.S. Senate, the House of Representatives, the Congress, ought to be acting in a constructive way to eliminate prison overcrowding so that it will not be necessary for the Federal courts to intervene in this line.

Mr. President, the result of prison overcrowding in this country today results in the release of some 20,000 prisoners each year who are released from jail before their terms are completed. Those inmates who are released prematurely then go back onto the streets, and the records are plain about recidivism, the commission of repeated offenses.

In 1985, in 19 States alone some 18,617 inmates were released in advance of the time that they should have spent in jail; in 1984 from 14 States in excess of 17,000 prisoners; and in 1983 from some 15 States in excess of 21,000 prisoners.

So it would be a safe estimate, although statistics are not available beyond the year 1985, that at the present time conservatively more than 50,00 inmates are being released each year in advance of the time schedule back on the street and recidivism is a very, very common trait.

Mr. ADAMS assumed the chair.

Mr. SPECTER. Mr. President, a celebrated case was noted in the media a few weeks ago when a man in Little Rock, AR, was convicted of murder in the first degree, sentenced to 25 years in jail for a robbery-murder in a parking lot of a grocery store and was released from jail because of the absence of jail space.

There is the situation right here in the District of Columbia. I noted in the intervening moment, the distinguished Senator from Washington, Senator BROCK ADAMS, has taken the Chair to preside. There have been the recent efforts by the District of Columbia Subcommittee, which the distinguished Senator from Washington now chairs and which this Senator had chaired, which the Appropriations Committee acted on just yesterday because of the shortage of prison space. Notwithstanding the congressional appropriation back in 1985, many things have happened, litigation is pending, and not a spade full of earth has been turned in an effort to build that prison. Finally the Appropriations Committee took action to put in this supplemental appropriation bill a direction that construction commence within 30 days notwithstanding the pending challenge on historical landmarks and that sort of consideration.

Mr. President, it is possible to pick up virtually any newspaper any day and find another story of criminals set loose because of insufficient jail space.

I turn at this time to the Pittsburgh Post Gazette for May 23, 1989, and I would like to take a moment of the Senate's time to read four paragraphs from a story which is typical in America today.

The title is, "Burglary Suspect's Release From Crowded County Jail Upsets Police."

It took Pittsburgh police months and a Crime Stoppers report to track down accused burglar Frank Washington, but it took only two days for him to return to the street because of overcrowding at the Allegheny County jail.

Police had been searching for Washington since January, but he did not surrender even after television and newspaper Crime Stoppers reports featured him March 30 and offered a reward for his arrest, police said.

Detectives tracked him to a Homewood bar May 15 and arrested him for a series of burglaries of East Hills apartments and homes since January. Detectives said the suspect told them he was "tired of running."

Two days later, Washington, 32, of Broad Street, East Liberty, was among a group of inmates released from the county jail to comply with a federal court order limiting the population in the Ross Street lockup.

The story goes on, Mr. President, but that is the flavor.

Had the Allegheny County detention system not had inmates from the Federal Government, that defendant Washington would not have been released.

Mr. President, we look at the statistics frequently in trying to assess the impact of crime, and they really become sort of like telephone numbers or sort of like the Federal budget—$1.1 trillion. But the evidence is plain that career criminals in this country commit, on the average, more than one crime a day. The statistics show as many as 700 crimes a day committed by career criminals.

As of October 1, Mr. President, if the President's proposal for prison constuction goes forward—and we have every reason to believe that it will—there will be an additional $1 billion available for prison construction. The $70 million which this amendment would take from the Department of Defense drug-fighting effort could then be returned. But the difficulty is that there is not a sufficient sense of urgency in this body or in the Congress or in the country to take immediate, effective action against violent crime and against the drug problem.

Mr. President, if we were to advance by 120 days—this is June 1, 1989. The next year's fiscal budget will not go into effect until October 1, 1989. That is 3 months, or 120 days. During the course of 120 days, if we had 35,000 additional beds to confine criminals, and calculating that at least one crime would be committed a day—which is conservative—the availability of 35,000 prison beds 120 days in advance would eliminate 4,200,000 crimes in this country. That is 4,200,000 incidences of anguish, of suffering, of victims who are being injured by criminal activity. It would not be any problem for this Congress to reallocate at this moment $70 million which is now not being used and to strengthen this program against drugs and crimes to show the American people that the Congress does more than pontificate and talk about the problem. And that is why, Mr. President, I am offering this modest reallocation.

The House of Representatives have placed in their version of the supplemental appropriations some $822 million additionally to fight the war on drugs. It may be that in the course of a conference there will be some give and take between the House and Senate. Maybe the figure will be cut in half to $400 million. Perhaps if the Senate had a reallocation of some $70 million, as this amendment proposes, it would provide some basis for a compromise. So there could be some utility even from the negotiating session in conference to have this kind of an amendment in the Senate bill.

I thank the Chair and yield the floor.

EXHIBIT 1

THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, May 19, 1989.

Memorandum: For Defense, Senate Appropriations Committee.

Subject: $300 Million for DOD Counterdrug Efforts.

Betsy Phillips from the HAC staff called me on 17 May 1989 to request information of DOD's use of the FY 1989 $300 million authorized and appropriated for DOD's new counterdrug efforts. The following brief analysis focuses on each point she addressed and is provided for your information.

1. *Presently obligated.* To date, the OSD Comptroller has transferred $30.239 million to the Military Department to support state-level enhanced National Guard operations. Few funds have actually been obligated.

2. *Plans for spending the remainder.*

a. $10 million to the states for additional enhanced National Guard support.

b. $60 million for acquisition of communications equipments to support the integration of command, control, communications and technical, assets dedicated to drug interdiction into an effective communications network. This effort builds on implementation of the approved National Telecommunications Master Plan and Drug Enforcement and supports civilian law enforcement agencies.

c. $100 million will be used for sensor support. This includes the acquisition of sea and land based aerostats, deployable radar support, aerostat relocation, and a small sea-based depolyable aerostat.

d. $39.0 million will be used to enhance and ensure fundamental military communi-

cations connectivity to initiate networks between sensors, intelligence sources, fusion centers (target and tailored intelligence support), and law enforcement command nodes in order to perform DOD's detection and monitoring role.

e. $17.0 million to cover costs associated with startup costs for the fusion centers. This includes administrative costs, temporary duty and travel costs for personnel, facility security and other basic costs.

f. $19.0 million to upgrade baseline ADP capability at fusion centers to process data and support analysts.

g. $18.0 million to increase operational flying hours and steaming days in support of detection and monitoring mission.

h. $7.0 million for various miscellaneous costs associated with DoD activities providing nonprogrammed or budgeted support to the detection and monitoring mission. These include mapping and directing special intelligence support, etc.

3. *Schedule for obligating the balance.* On 17 May we completed a full program review of requirements submitted for DoD's counterdrug effort. Tabulation of approved projects will be completed May 18, 1989, but are summarized in paragraph two above. We plan to accomplish transfer of the operations and maintenance monies in June. Documents to support the required reprogramming of necessary funds to procurement should reach the Congressional Defense Committees in June.

I hope the foregoing information is helpful. See also the related attached paper developed by the Defense Comptroller's staff for Senator D'Amato. If I can be of any further assistance, please call me at 695-7805.

DALE H. CLARK,
Director, Requirements, Plans, and Programs, ODASD (DP&E).

Mr. INOUYE. Mr. President, it is with much reluctance that I rise to speak in opposition to the amendment proposed by my friend from Pennsylvania.

Mr. President, I think most of us recall the debates we have conducted in the past year calling upon the military, the Defense Department, to participate in this very important national crusade against drugs. And it is no secret that many of the leaders of the Military Establishment were not too keen about involving themselves because this was not "a military mission."

However, the will of the Congress prevailed and we did establish a national policy that this battle against drugs was not limited to one agency, or two agencies, but it was a battle that involved all agencies and all peoples.

Accordingly, the Congress adopted an amendment initiated by one of our colleagues, Senator STEVENS, of Alaska, and we appropriated the sum of $300 million to that end. When we appropriated this sum, we also put restrictions on it. For example, $40 million was earmarked for the National Guard.

Together with the fact that we just greeted a new administration, a new President, and a new Secretary of Defense, who just came on board a few weeks ago, I do not think that this Congress can expect this new administration to come forth immediately with a comprehensive plan to engage the military in the war on drugs.

But, as all of us know, the Secretary of Defense has, despite all of the workload he has, come forth with a plan. He has submitted that plan in writing to us. He has shared with us the way he intends to spend the money in specific sums.

What I am trying to say is that this amendment will negate the progress Congress has made in, yes, forcing DOD to take on an active role in this war against drugs. It will, in effect, take Defense off the hook. And the question is, is that what we want to do?

I think it is important to note that this is in clear violation of a budget summit agreement that was entered into by all Members of the Congress, House and Senate, together with the President of the United States. And I am pleased to learn that our leader, the chairman of this committee, is looking into the possibility of posing a point of order to that effect.

The agreement that was reached was not easily reached. It involved weeks and weeks of negotiating to come up with this. And a clear item in this negotiation was that none of the funds that were set aside for defense will be taken away to be used for nondefense purposes unless, naturally, the Congress of the United States and the President of the United States should concur.

I would prefer that we give the Department of Defense an opportunity to show itself; to give our new Secretary of Defense an opportunity to participate in this crusade against drugs as he wishes to do.

If I may at this juncture, I ask unanimous consent to have printed in the RECORD a letter dated May 30, 1989, from the Secretary of Defense, the Honorable Dick Cheney, in which he sets forth his position on this amendment, together with the manner in which he proposes to spend the amounts that were appropriated. I just hope that this Senate will, at the appropriate time, vote down this amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, May 30, 1989.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that an amendment may be offered in committee to the FY '89 supplemental appropriations bill (H.R. 2072) to cut funds previously appropriated to the Department of Defense in the FY'89 Defense Appropriations Act to fight the battle against illegal drugs. The amendment would transfer the funds to domestic anti-drug accounts. The Administration strongly opposes the amendment.

The FY'89 Defense Appropriations Act provided $300 million for Department of Defense operating costs for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. The Department plans to allocate these funds as follows: (1) $40 million for National Guard support to law enforcement agencies, (2) $60 million for secure communications equipment to defeat drug smugglers' monitoring of law enforcement operations, and (3) $200 million to procure and operate surveillance and monitoring equipment, such as aerostat radars.

The Congress has long urged the Department of Defense to take a more active role in the fight against drugs. In the two months since I became Secretary of Defense, we have created a DOD Coordinator for Drug Enforcement Policy and Support and have prepared and begun to execute plans to make effective use of the $300 million. It will be difficult for me to make substantial progress in strengthening DOD's role in the battle against drugs if the amendment is adopted to strip DOD of the resources programmed in FY'89 for the Department's increased anti-drug effort.

I would note also that the proposed amendment violates the November 1987 bipartisan budget agreement by shifting funds from defense discretionary accounts to domestic discretionary accounts. Since success in Federal budgeting has come to depend upon the ability of the Administration and the joint congressional leadership to reach and enforce budget agreements, I would urge that your committee adhere to the agreement and reject the amendment.

The Office of Management and Budget advises that adoption of the amendment would not be in accord with the President's program.

Sincerely,

DICK CHENEY.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I rise on behalf of our subcommittee, the Subcommittee of Commerce, Justice, State, the Judiciary, and Related Agencies of our Appropriations Committee, and I will be supporting our distinguished chairman who will bring us right to the issue with respect to the budget rules and requirement, 302(f), that this amendment violates the Budget Act.

I think, however, that in voting my colleagues should understand, really, what is at issue here. That is, we are trying our dead-level best to alleviate overcrowding in the Federal prison system. The Congress itself has not been in any way derelict; on the contrary, with restricted funding availability we have been doing our best to provide, increase and expand Federal prison capacity. And it should be noted this is not a new idea—in our subcommittee we have been taking numerous Federal facilities, Army, Air Force facilities and otherwise, and turning them into Federal minimum security prison camps.

As a matter of fact, the distinguished Senator from Hawaii will remember here some few years ago when we had the Olympics at Lake

Placid. As soon as the Olympics left the field of contest, we put bars in the windows and made it a Federal correctional facility. We have been grabbing, and grabbing anywhere we can to find space to house Federal prisoners. And yet, we are still behind and more particularly we are behind the State of Pennsylvania, the home State of the distinguished Senator who proposes this amendment for State prisoners.

I think it is important to clarify the situation with regard to State and Federal prison overcrowding and the intent of the amendment now before the Senate. Because, earlier this year, during consideration of the fiscal year 1990 budget resolution on the floor of the Senate, we voted 97 to 1 on a similar amendment offered by the distinguished Senator from Pennsylvania. I was the one dissenting vote. Coming to the floor, I was prepared to join the 97 because I had been watching on the television, intermittently with different disturbances, as we do, trying to do our work and keep up with floor action. I remember specifically our distinguished former chairman of the Budget Committee and at one time my ranking colleague when I was chairman, Senator DOMENICI, of New Mexico, saying that States should take care of State prison facilities and the Federal Government should take care of Federal prison facilities.

I said: Here is our leader for prison facilities, Senator SPECTER, of Pennsylvania, and he is trying to get us more Federal facilities. And I am for that.

But when I came to the floor, I asked for the distinguished sponsor, the distinguished Senator from Pennsylvania. He said, no, these are to house State prisoners. I am confident the colleagues in their vote thought they were voting for Federal prisoners and not State prisoners. And, in fact, if you look at the amendment, of the face of it, you cannot tell that the intent was to provide for State prison beds. Yet, with my legal analysis; it has got to be for Federal prisoners because there is no authority for the Federal Bureau of Prisons to provide for State prisoners. We have no authorization for that.

But yesterday, when we discussed this point at the full meeting of our Senate Appropriations Committee, our distinguished colleague from Pennsylvania acknowledged that the funds were for State prisoners. And I am back to my original point. Like Kansas City, or as the Budget Act permits, we have gone as far as we can go.

The record will show that we have projections for 83,500 inmates at a minimum. Yet, the U.S. Sentencing Commission estimates that could be as much as 125,000 inmates by 1995. At the present moment, I have just gotten the figure from the Bureau of Prisons this morning. On June 1, 1989, we have a Federal prison population of 48,451 inmates. But the capacity, Senator, for these prisoners, is for 38,360. So, between budget constraints on the one hand and Federal judges on the other hand—talk about cruel and inhumane punishment—we are 157 percent overcrowded at the Federal level.

Heaven's above, I was watching our distinguished Speaker yesterday, who said "Have I made mistakes?" He said, "Oh, Lord." Well, I have the same kind of feeling. Have we provided for prisoners? Oh, Lord. We have provided for them. Not enough for any Senator, certainly not for the Senator from Pennsylvania and the Senator from South Carolina. But we are on the right road—we are headed in the right direction. Mr. Quinlan, the Bureau's Director, is doing an outstanding job. We have added 6,800 new beds since 1981 and we have under construction right now, another 13,700 beds. And President Bush announced on May 15, just 2 weeks ago, $1 billion in new construction. The President's new initiative would add 24,000 beds.

So, we have been moving forward as fast as we can. And yet, do you know what? The States are way better off than we are because we are 157 percent of capacity and only 3 of the 50 States—California, Montana, and Massachusetts—are in as bad shape as the Federal Government. So, straight to the point, we are going to look at the States and their predicament, they are in much better shape—47 of the 50 States are in way better shape than the Federal prison system.

I will ask unanimous consent that this listing of the prison population, the capacity in 1988 and design capacity, be printed in the RECORD at this time, together with a letter to me from the U.S. Department of Justice dated June 1, 1989.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE PRISON POPULATION, NATIONAL INSTITUTE OF CORRECTIONS, APRIL 25, 1989

State	Prison population 1988	Capacity 1988	Percent capacity
Alabama	12,610	11,162	113
Alaska	2,588	2,793	93
Arizona	12,158	12,240	99
Arkansas	5,519	5,330	103
California	76,171	44,229	165
Colorado	5,997	4,985	120
Connecticut	8,005	7,153	112
Delaware	3,166	2,090	151
District of Columbia	8,705	7,417	117
Florida	24,732	35,618	69
Georgia	18,787	17,296	109
Hawaii	2,367	1,691	140
Idaho	1,548	1,163	133
Illinois	21,081	20,100	105
Indiana	11,406	10,412	109
Iowa	3,034	2,858	106
Kansas	5,936	4,293	138
Kentucky	7,119	6,469	110
Louisiana	16,149	12,330	130
Maine	1,297	034	138
Maryland	14,276	11,352	125
Massachusetts	6,733	3,891	173
Michigan	27,713	21,454	129
Minnesota	2,799	2,964	94
Mississippi	7,438	6,318	118
Missouri	12,354	12,800	96
Montana	1,272	784	162
Nebraska	2,205	1,651	133
Nevada	4,881	4,637	105
New Hampshire	1,019	774	131
New Jersey	16,936	12,172	139
New Mexico	2,825	2,671	106
New York	44,560	40,095	111
North Carolina	17,069	14,767	115
North Dakota	466	516	90
Ohio	26,113	18,482	141
Oklahoma	10,488	7,378	142
Oregon	5,991	4,077	146
Pennsylvania	17,879	12,972	137
Rhode Island	1,906	1,546	123
South Carolina	13,745	11,793	116
South Dakota	1,020	1,170	87
Tennessee	7,491	7,754	97
Texas	40,437	39,244	103
Utah	2,004	2,464	81
Vermont	811	587	138
Virginia	14,184	11,460	124
Washington	5,816	5,914	98
West Virginia	1,458	1,547	94
Wisconsin	6,287	4,683	134
Wyoming	962	950	101

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 1, 1989.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The administration strongly objects to an amendment that we understand will be offered on Thursday, June 1, to the 1989 Supplemental Bill, which proposes to transfer $70 million from the Department of Defense's appropriations to the Department of Justice's Federal Prison System's Building and Facilities appropriation. These funds would be targeted for renovation of surplus military facilities and their conversion to the use as prison facilities. Further, it is the administration's understanding that the bedspace thus acquired would be made available for the housing of sentenced State prisoners.

The Administration urges you to consider the following points during floor debate:

1. Movement of $70 million from the defense to the domestic discretionary area violates the Bipartisan Budget Agreement of November 20, 1987 which covers fiscal year 1989.

2. Defense funds are properly programmed at this stage of fiscal year 1989 in accord with priorities generally agreed upon between the two branches.

3. The Administration announces, on May 15, a major crime initiative which includes over $1 billion in new spending for federal prison facilities. The inititative is targeted at violent criminals and armed career criminals. Existing statutes allow for the prosecution, trial, and service of sentence—by State armed career criminals—in federal prison facilities. The Administration will be transmitting 1990 budget amendments soon to begin the process of implementing this major crime initiative. Attention by the Appropriations Committee, as it meets on the 302(b) allocation process, will be critical to providing the necessary 1990 appropriations to implement the Adminsitration's crime initiative.

In summary, the 1990 appropriations process will offer both the Senate and the full Congress the opportunity to make the necessary funds available to handle our fed-

eral prison overcrowding problem and allow us to continue incarcerating violent, armed career criminals—including State offenders—who prey on the people of this country. The Administration urges the Senate to defeat the amendment we understand Senator Arlen Specter will offer on Thursday, June 1.

Sincerely,

CAROL T. CRAWFORD,
Assistant Attorney General.

Mr. HOLLINGS. Mr. President, we all understand for the last 8 years the Reagan administration has drastically reduced Federal assistance to the States. We have eliminated general revenue sharing, cut funding for community development block grants, urban development action grants—I can go right on down the list. And, yet we have not eliminated the responsibility of the States.

So the States, they do not say read my lips, they are raising taxes to meet their responsibilities as best they can. They do not have this shenanigan of printing money, so they really are where the rubber meets the road, as they say—fulfilling their responsibilities. Because they all are maintaining their triple A credit rating which we in the Federal Government could not even approximate. We ought to be embarrassed but we act like Santa Claus up here, not even doing our own job. But we want to help out the States. Whoopee for State prisons. Well, what about our own responsibilities? That is my objection.

I feel a sense of inadequacy, that maybe we have not told the story, time and again, enough to the colleagues so they understand. Because when they did vote to support the initiative of the Senator from Pennsylvania a few weeks ago, it was 97 to 1. I am afraid, with the parliamentary approach to sit down in the well and say: Wait a minute, here is what you voted for. This is only an amendment. This is what you voted for. You just voted a few weeks ago. I did not have an opportunity, at that time, to take the floor because I did not understand the misunderstanding. I clear that record now.

I would be prepared to amend or clarify the amendment of the Senator, but I think our distinguished chairman is on the right track. We are trying to adhere to the Budget Act and put forth an appropriations bill that all of us in the committee and in the United States Senate can support.

So, right to the particular point we have now the dilemma of an overload of 57 percent, 157 percent of capacity. We have various judicial initiatives moving against us. As a result the Justice Department is opposing this amendment and trying to move forward, as President Bush has done adroitly here just 2 weeks ago, announcing another billion dollars in prison construction.

Let us try to play catch-up ball at least and meet here on the floor of the Congress our responsibilities at the Federal level. Let us live up at least to what the States are doing now, and 47 of those 50 States are doing way better than the Federal Government is doing.

We have not been languishing or inconsiderate. We have been straining at every particular point, but in this particular bill, as my colleagues, some here on the floor and this subcommittee know, you have the FBI, the DEA, Border Patrol, Immigration Service, Bureau of Prisons and right on down the line, all competing for a small pot of money. And, it is like tying two cats by the tails and throwing them over the clothesline. They are clawing each other each year, and have been doing so for 8 years running.

To get any job right in any particular portion of our responsibility, we have to take from another responsibility. It has not been a pleasant task. Heaven's above, do not come here at the last minute now and say forget about our responsibility at the Federal level which is way behind the States and give even more money to the States.

I thank the distinguished Presiding Officer and my colleagues. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have listened very closely to the arguments made in opposition to this amendment and I say this respectfully, but there is absolutely no merit in the contentions. The distinguished Senator from Hawaii, who has the responsibility as chairman of the Defense Appropriations Subcommittee, has said that the amendment would take the Defense Department off the hook. The reality, Mr. President, is that the Defense Department is not on the hook. The Defense Department has not undertaken any realistic effort to utilize the $300 million which was appropriated to the Department of Defense for drug interdiction.

It is true that Secretary Cheney has been in office only a short period of time. Last October 1, 1988, the first day of fiscal year 1989, there was a Secretary of Defense, there was a Secretary of the Navy, Secretary of the Air Force, and Secretaries of various branches. Personnel could have carried out the congressional direction, but the Department of Defense did not do so. So as of May 19, Mr. President, only $30 million of the $300 million was obligated. So when there is an articulation that there was a plan, to spend the funds that can hardly be stated when the specification by the Department of Defense is vague and inconclusive—$10 million for enhanced National Guard support; $60 million in planning for acquisitions of communications equipment to support the integration of command control communication and technical assets dedicated to drug interdiction into an effective communications network. That is 100 percent gobbledygook. It does not say one thing about what is going to be done with $60 million; $100 million to be used for sensor support. This includes the acquisition of sea- and land-based aerostats, deployable radar support, aerostat relocation and small sea-based aerostats.

Mr. President, how does that compare with 35,000 prison beds to take 35,000 criminals off the street, criminals who statistically, demonstrably commit more than one major crime a day, and in the course of 120 days, which this amendment seeks to advance, will commit 4,200,000 offenses?

Thirty-nine million dollars will be used to enhance and ensure fundamental military communications activity to initiate networks between sensors and intelligence sources fusion centers. That is a replay of an earlier allocation for $60 million and again is A-plus goggledygook.

The Department of Defense on May 19 does make a list of items which does take up $270 million, but that could hardly be said to be a realistic plan. It is a Department of Defense paper response to a congressional inquiry which says why have you not done a job and they are trying to paper over their determination, candidly stated, not to get involved in the war on drugs.

Whatever the reasons may be for not carrying out the direction, that is not the point today, Mr. President. The point today is that there are presently available $230 million not being used for drug interdiction by the Department of Defense. So when the argument is made that this amendment takes the Department of Defense off the hook, DOD is hardly on the hook. It really exposes the failure of DOD to undertake its responsibilities but, that aside, seeks to use only a portion of those funds.

The next argument made by the distinguished chairman of the Defense Appropriations Subcommittee is that this amendment violates the summit agreement. It is true that the summit agreement provides for an allocation between defense programs and social programs. But here we have $300 million under the category of defense which is used on the war on drugs. It is not a matter that we are taking military hardware or military personnel and allocating them to a health center or to an education purpose. It is a matter that we are taking an allocation to DOD for the war on drugs and reallocating it to a prison bed which is another aspect of the war on drugs and, obviously, a much more impor-

tant one. So there is hardly a violation of the summit agreement which tries to strike a balance between defense functions and social programs.

My distinguished colleague from South Carolina has spoken at length about the situation with the State court prisons and the Federal prisons and it is true that Senator HOLLINGS was the only dissenting vote, 97 to 1, on an amendment which this Senator offered, very much like the one on the floor today, to transfer $70 million for the construction of prison beds. It had an addendum of $30 million for additional agents from Alcohol, Tobacco and Firearms, and the amendment, which this Senator offered and was agreed to 97 to 1, did allocate those funds for State prisons.

However, the amendment which is presently offered does not do that. It offers the allocation for Federal prisons. I have done so specifically to take into account the consideration which Senator HOLLINGS called to the attention of this Senator, and we had in the Appropriations Committee yesterday afternoon a brief discussion on the point.

I do not agree with what the distinguished Senator from South Carolina has asserted on the State courts being better off then the Federal courts. I am going to come to that in a moment because I think it is an important point. But I want to accept his contention, for purposes of this amendment, so that we can get on with the process. I think that there is merit to getting the Federal house in order first. We do have an overcrowding in the Federal system of some 20,000, the earlier statistics I cited. We may be some 50,000 overcrowded by 1992. That will depend, as I said earlier, on how much additional construction there is in the interim. I have taken into account what the distinguished Senator from South Carolina raised in the interim, and this amendment would allocate these funds for Federal prison construction.

Mr. President, when the distinguished Senator from South Carolina raises the issue about the Federal Government being worse off than the State governments, simply stated, that is not so. And it is not so demonstrably for two reasons: First, the statistics on overcrowding. As of January 1, 1989, the capacity of State prisons was 462,484 and a population of 577,474 for overcrowding of some 114,990. In the Federal Government, these statistics are from the Bureau of Justice statistics, the Federal population in the prison was 49,928 with a capacity of 29,112 for overcrowding and 20,816.

Notwithstanding the Federal overcrowding, the Federal Government has not been subject to litigation for violating constitutional rights of those who are in jail.

Under the State system there are 45 of the States which are either operating under a court order or are in litigation at the present time. There are only five States in this country, Minnesota, Montana, New Jersey, Nebraska, and North Dakota, where prisons are either not under a court order or in litigation. In nine of the States the entire prison system is run by the courts. In other States some institutions are run by the courts and in about 8 of those 45 States litigation is presently pending.

Mr. President, there is a decisive overlapping of Federal, State, and local responsibilities. I visited the Allegheny County jail within the past month and there were in confinement there Federal prisoners. They were taking up beds which could not be occupied by individuals charged with State crimes. One of those individuals was a burglary suspect who had to be tracked down, as I recently cited, according to a recent news report from the Pittsburgh Post Gazette.

In the District of Columbia, Mr. President, there is a severe shortage of prison space. The District of Columbia Code specifies that it is the responsibility of the Attorney General of the United States to take care of people convicted in the courts of the District of Columbia. That has been subject to interpretation and it has not been held to require that D.C. convicts be sentenced to Federal prisons, but that litigation has not been carried to the ultimate court and it may yet be the responsibility of the Federal Government to handle the overload of those convicted in the criminal justice system of the District of Columbia. So that there is an overlap.

Mr. President, I would ask—and there are voluminous records. I have a notebook of about 100 pages which I shall not submit for the CONGRESSIONAL RECORD—to have printed in the RECORD at this point by unanimous consent three sheets which summarize the essence of the problems of prison overcrowding in this country.

There being no objection, the data was ordered to be printed in the RECORD, as follows:

Fact Sheet on Prison and Jail Overcrowding

I. Prison overcrowding (sentenced):

State Jan. 1, 1989	114,990
Federal Jan. 1, 1989	20,816

II. Jail overcrowding (detention before trial): June 30, 1987 21,454

III. Criminals prematurely released because of overcrowding

19 States in 1985	18,617
14 States in 1984	17,365
15 States in 1983	21,420

IV. Criminals convicted and not incarcerated because of insufficient prison space—thousands.

(Testimony of Chief Judge Ugast, D.C. Superior Court, and Chief Judge Pryor, D.C. Ct. of Appeals)

V. Defendants released because of insufficient detention space—thousands.

VI. Prison systems under court order Dec. 1, 1988. 9 entire State systems and Puerto Rico—under court order; 28 States, DC, VI—at least one institution under court order; 8 States—prison overcrowding litigation pending.

VII. Jail systems under court order June 30, 1987. 102 large local jail systems under court order re: population. 118 large local jail systems under court order re: conditions.

VIII. Federal inmate population growth:

1987	43,800
Projected by 1992	79,000
Projected by 1997	118,000
Projected by 2002	156,000

IX. Total inmate population growth:

1980	329,821
1981	369,930
1982	413,806
1983	437,248
1984	464,567
1985	502,507
1986	545,133
1987	581,609
Projected by 1994	868,500

SUPPORTING AUTHORITY FOR FACT SHEET ON OVERCROWDING

I. Prison overcrowding. In its bulletin entitled "Prisoners in 1988" (Attachment A), the Bureau of Justice Statistics reported the following figures on prison overcrowding as of January 1, 1989, using the lowest measure of capacity:

	Population	Capacity	Overcrowding
Total	627,402	491,596	135,806
Fed	49,928	29,112	20,816
State	577,474	562,484	114,990

II. Jail Overcrowding. In Table 8 of its bulletin entitled "Jail Inmates 1987" (Attachment B), the Bureau of Justice Statistics reported that as of June 30, 1987, there were 224,811 inmates in the largest local jail systems (100 or more inmates), and that those jails had a rated capacity of 203,457. Thus, jails were overcrowded by 21,454 inmates.

III. Criminals prematurely released because of overcrowding. In its 1984 and 1985 bulletins on prisoners (Attachments C and D), the Bureau of Justice Statistics reported that in 1983, 1984 and 1985, states used emergency procedures to release 18,617, 17,365 and 21,420 prisoners, respectively. The Bureau has not compiled this statistic since 1985.

IV, V. Criminals convicted and not incarcerated because of insufficient prison space. Defendants released because of insufficient detention space. In a hearing before the District of Columbia Appropriations Subcommittee chaired by Senator Specter on June 11, 1986 (Attachment E), Chief Judge Ugast of the D.C. Superior Court reported that prison overcrowding had become a sentencing factor that caused judges to refrain from imposing prison sentences in some cases. Chief Judge Pryor of the D.C. Court of Appeals concurred in this assessment. It is reasonable to assume that this phenomenon, although difficult to quantify, exists nationwide and extends to a court's decision to detain or release the defendant pending trial.

VI. Prison systems under court order. In its December 1, 1988 status report on the courts and the prisons (Attachment F), the National Prison Project reported that there are nine entire state prison systems and the Puerto Rico prison system under court order. Twenty-eight states, the District of Columbia and the Virgin Islands have at least one major institution under court order, and litigation is pending in eight states, although a court order has not yet been issued. The only states not affected are Minnesota, Montana, Nebraska, New Jersey, and North Dakota. The Report details the legal status of every jurisdiction's prison system.

VII. Jail systems under court order. A Bureau of Justice Statistics list of 102 local jurisdictions under court order to reduce jail population is attached (Attachment G). See also Attachment B, in which the Bureau reports that in 1987, 118 local jurisdictions were under court order to improve jail conditions.

VIII. Federal Inmate Population Growth. As part of its June 18, 1987 supplementary report on the new federal sentencing guidelines (Attachment H), the U.S. Sentencing Commission projected the federal prison population into the next century. The study, prepared with the Bureau of Prisons, forecasts that the 1987 population of 48,300 (Attachment A) will almost double in five years.

IX. Total Inmate Population Growth. Table 1 of the bulletin entitled "Prisoners in 1987" (Attachment A) demonstrates the growth in total inmate population (state and federal) from 1980 to 1987. Assuming the same growth in the next seven years, the prison population in 1994 would be 833,397. In fact, the rate of growth is likely to increase during the coming years because of improved enforcement, new drug laws and mandatory minimum penalties. The Bureau of Prisons projects the 1994 total inmate population to be approximately 868,500.

Mr. SPECTER. Mr. President, I return to the basic point that this amendment would allocate this $70 million to the Federal system because there is a need there. And on that point I do agree with the distinguished Senator from South Carolina.

This Congress, this Government, ought to be doing a great deal more than we are doing on the problem of violent crime and the problem of drugs in this country. We have in this country some 200,000 to 400,000 criminals who are committing on an average two major crimes today. According to a comprehensive blueprint outlined in 1972 by the National Commission on Criminal Justice Standards and Goals, a Commission on which I served, there are many aspects of the criminal justice system which ought to be attacked. This Senator has introduced legislation in the 97th, 98th, 99th, 100th and 101st Congress to allocate 1 percent of our Federal budget for crime control, for domestic defense. We have 20,000 people a year in this country victims of homicides. Violent crime is much more a threat to America and to Americans than any foreign threat. We have an overwhelming problem of drugs in this country, and this body has gone on record as declaring war but the facilities are not being made available for carrying forward that war.

This amendment is a very, very modest approach. It takes $70 million which the Department of Defense now has for drugs, not being used, and it will advance by 120 days the availability fo 35,000 prison spaces. Conservatively, in 120 days, 35,000 criminals will commit at least one crime a day for 4.2 million offenses. It is simply incomprehensible why we are not doing 10 times this much, 20 times this much, 100 times this much on the war against crime and the war against drugs. But this is a very small step forward. It may be symptomatic, Mr. President. It may be a signal to the American people as to what degree of seriousness this body currently is willing to demonstrate on the war against crime and the war against drugs.

Mr. President, I do not know procedurally if it is appropriate at this time to make a motion to waive the Budget Act. I appreciate the fact that it will require some 60 votes to waive the Budget Act. I say to my colleagues who may be watching on television in their offices and surveying this scene that 97 Senators voted in favor of $70 million additional for prison space. The other Senator said he came to the floor intending to vote for it had it been for the Federal prison system. This amendment does reach the Federal prison system, and I urge my colleagues to support this amendment.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. SPECTER. I certainly will.

Mr. HOLLINGS. The Senator just said for the Federal prison system. I came on the floor a minute ago and the Senator said the intent is after the Federal Bureau of Prisons construct it, it is to be used for State prisoners. Is that not correct?

Mr. SPECTER. No, that is not correct.

Mr. HOLLINGS. These are to be used for Federal prisoners.

Mr. SPECTER. For Federal prisoners.

There will be some assistance, if I might respond further, to alleviate some of the State overcrowding, where, for example, in Allegheny County there are Federal prisoners who are being detained in county facilities and they are the responsibility of the Federal Government. They are present also in Philadelphia.

But there is no mistake about the direction of this amendment. It is to make this $70 million available to the Federal Government, to the Bureau of Prisons of the Federal Government for use on the closed military bases to construct up to 35,000 additional beds. I said I cannot warrant that they will all be used for minimum security, but it will take $2,000 a bed using closed military bases for minimum security, according to Michael Quinlan, Director of the Bureau of Prisons, so we can have up to 35,000 beds. It definitely goes to the Federal system.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, does the Senator from Nebraska wish to address this subject?

Mr. EXON. I do.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Nebraska for the purpose of his addressing some remarks to this amendment, but I would like to retain my right to the floor.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered. The Senator from Nebraska is recognized subject to the rights of the Senator from West Virginia.

Mr. EXON. I thank the chair and I thank my friend from West Virginia.

Mr. President, let me salute the Appropriations Committee for its diligent and thoughtful effort on this urgent supplemental. It deserves our support. We should thank once again the talented, steady leadership of Chairman ROBERT BYRD of West Virginia. When obvious wrongs need tending to in the Senate, he has long been there. He has never let us down. We expect a great deal of him and he has always come through.

Likewise, I recognize his counterpart and dedicated coworker, the ranking member, Senator MARK HATFIELD from Oregon. They indeed are wise and they are a great twosome. We have so many dedicated Members on both sides of the aisle laboring on the Appropriations Committee, including, I am proud to say, my talented colleague from Nebraska, Senator BOB KERREY, one of its newest Members.

Unfortunately, the House of Representatives, bogged down with other matters, has delayed coming to grips in a timely fashion with the urgent supplemental. To use a football phrase, what we saw from the other body frequently was three running plays, three clouds of dust and a feeble punt to the Senate. Senator BYRD and his teammates took the ball and did something with it. The passage of this measure without amendments will set the stage for a Senate-House conference that will put this matter behind us.

As Senator BYRD has pointed out, this budget supplemental is an urgent supplemental.

It is urgent. it is necessary. And it is required. Furthermore, as has been pointed out, it is in keeping with the understanding that was reached between the executive and legislative branches during the 1987 negotiations.

It is hard to believe that we would delay, that we would risk denying the full one-third of these funds that are specifically ordained and dedicated to veterans, and the balance for student loans, for human peacekeeping initiatives requested by the President, immigration assistance for persecuted Soviet dissidents, foster care assistance, oilspill funds, commodity credit shortfall, essential air service, and others.

Mr. President, we should pass this urgent supplemental promptly without amendments.

I thank my friend from West Virginia. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator form West Virginia is recognized.

Mr. BYRD. Mr. President, in a letter addressed to me under date of May 30, 1989, Mr. Cheney, the Secretary of Defense, said in part the following:

The Congress has long urged the Department of Defense to take a more active role in the fight against drugs. In the 2 months since I became Secretary of Defense, we have created a DOD coordinator for drug enforcement policy and support, and have prepared and begun to execute plans to make effective use of the $300 million. It will be difficult for me to make substantial progress in strengthening DOD's role in the battle against drugs if the amendment is adopted to strip DOD of the resources programmed in fiscal year 1989 for the Department's increased antidrug effort.

The administration is strongly opposed to the amendment. The amendment also violates the November 1987 bipartisan budget agreement, and on yesterday an amendment to take $230 million from the DOD drug interdiction program was offered in the committee during the markup. That amendment was defeated by a vote of 24 to 5. So it faced a strong bipartisan opposition vote.

The pending amendment would take $70 million from the same account. This amendment is subject to a point of order under section 302(f) of the Budget Act because it adds funding to the Justice Department. The Commerce, Justice, State Subcommittee has already exhausted its 302(b) allocation for fiscal year 1989. Therefore, I make the point of order under section 302(f) of the Budget Act against the pending amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I move to waive the Budget Act.

The PRESIDING OFFICER. The Senator from Pennsylvania has moved to waive the Budget Act.

Mr. BYRD. Mr. President, I move to table the Senator's motion to waive, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia to lay on the table the motion of the Senator from Pennsylvania to waive the Budget Act.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Iowa [Mr. HARKIN], is absent because of attending a funeral.

Mr. DOLE. I announce that the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 18, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—77

Adams	Fowler	McCain
Armstrong	Garn	McClure
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Bingaman	Gorton	Mitchell
Bond	Graham	Moynihan
Boren	Gramm	Nickles
Breaux	Grassley	Nunn
Bryan	Hatfield	Packwood
Bumpers	Heflin	Pell
Burdick	Helms	Pressler
Burns	Hollings	Pryor
Byrd	Inouye	Reid
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Roth
Conrad	Kassebaum	Rudman
Cranston	Kasten	Sanford
Danforth	Kennedy	Sarbanes
Daschle	Kerrey	Sasser
Dixon	Kohl	Shelby
Dodd	Lautenberg	Simon
Dole	Leahy	Stevens
Domenici	Levin	Thurmond
Durenberger	Lott	Warner
Exon	Mack	Wirth
Ford	Matsunaga	

NAYS—18

Biden	DeConcini	McConnell
Boschwitz	Hatch	Riegle
Bradley	Heinz	Robb
Coats	Humphrey	Specter
Cohen	Kerry	Wallop
D'Amato	Lieberman	Wilson

NOT VOTING—5

Harkin	Murkowski	Symms
Lugar	Simpson	

So the motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair will anounce that the point of order against the amendment under section 302(f) of the Congressional Budget Act is well taken. The amendment provides new budget authority and outlays which would exceed the subcommittee's allocation reported pursuant to 302(b) of the act, and the amendment falls.

The majority leader.

Mr. MITCHELL. Mr. President, may we have order?

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators please take their seats. All Senators please take their seats.

The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, as I indicated this morning and publicly on several previous occasions, it is my hope that we will be able to complete action on this important bill today.

I will soon seek to obtain a unanimous consent agreement identifying the remaining amendments with agreed times.

I encourage restraint on all of my colleagues. I have been working with the distinguished Republican leader in this regard to seek to identify those amendments.

Those Senators who intend to offer amendments should be available to participate in the discussions leading up to what I hope will soon be an agreement that will enable us to complete action on this bill during the day today.

I encourage Senators to participate and to exercise restraint. This is a very important bill. It is important that we complete action promptly.

I thank my colleagues in advance for their cooperation in this regard.

I am now pleased to yield to the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I know the Senator from Indiana is ready to offer an amendment which he is willing to accept 20 minutes equally divided, 10 minutes on a side—it is a sense-of-the-Senate amendment on the Panama Canal—if we could agree to that.

Senator HELMS has four amendments. He would be willing to accept 20 minutes equally divided on each amendment. I have asked him to furnish me the amendments so I could advise Members what the amendments are because they may not agree on time agreements.

So we have gone through the list. I think we are in a position if not right at this moment, very quickly, to give the majority leader a list of the amendments.

I think one problem is we did not have the bill as it was not reported until yesterday. Nobody has had any chance to look at it, and it has caused some concern on our side about not

having adequate opportunity to look at it.

We can do most of the amendments now if the majority leader would like or we can just put together a list. Why do we not just put together a list?

Mr. MITCHELL. Yes.

What I would suggest is that we now proceed without any agreement to Senator COATS' amendment, unless the manager has some other preference with respect to amendments that he may already have agreed to, that we use the time during consideration of the next amendment, whatever it be, to try to pin down the list as to the specifics of the amendments to be offered and the times involved and then seek to get an agreement.

I announced earlier, and I will repeat now for the benefit of those Senators who may not have heard it, there will be a memorial service for former Congressman Pepper from noon until 12:30 p.m. in the rotunda of the Capitol.

I encourage all Senators to attend. There will be no rollcall votes during that time. The Senate will remain in session to permit us to go forward on this bill. But it is important that we pay a proper tribute to Congressman Pepper.

Either immediately prior to that or immediately after that, it is my hope that we could get an agreement nailed down with a specific time for final passage this afternoon.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. MITCHELL. I yield to the distinguished manager.

Mr. BYRD. Mr. President, the distinguished senior Senator from Hawaii has an amendment which the managers plan to accept and would look to dispose of that amendment before going to the amendment by Mr. COATS.

Let me inquire of the distinguished majority leader as to how long the Senate will be voting today.

Mr. MITCHELL. It is my hope that we will complete action on this by 4:30 today.

Mr. BYRD. A further inquiry: If the bill is not completed today, what about tomorrow?

Mr. MITCHELL. Then we will have to have votes tomorrow. I know that creates problems for many Senators who have spoken to me individually, but we have to complete action on this bill.

Mr. BYRD. Mr. President, I think that is important that the record show that because Senators, I hope, will be further constrained in offering amendments with the knowledge that if we do not complete this bill today by 4:30 p.m. that the Senate will be in tomorrow and there will be rollcall votes, as I understand the majority leader.

Mr. MITCHELL. That is correct.

Mr. BYRD. That is important. This is an exceedingly important bill. It is a dire emergency bill and it cannot wait until next week. If Senators will simply restrain their appetite to offer amendments, we can complete this bill by 4:30 today. A good many of the amendments, may I say to the distinguished majority leader and the Republican leader, will take only a short time and, hopefully, some of them will be accepted.

I thank the majority leader.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I encourage my friends on this side—I discussed this with the Senator from Oregon [Mr. HATFIELD]—to reduce the time. We do not need a rollcall on every amendment.

I think I see a sign of success on the part of the managers' having tabled a very important amendment, one that I normally would have supported. This is an emergency bill. It is going to be up to me, as one of the leaders, to support my ranking member, Senator HATFIELD, to make certain we can complete it. I hope that some of our amendments will disappear. They will be around probably for the next appropriation bill.

Mr. SIMON. Will the majority leader yield?

Mr. MITCHELL. I yield to the Senator from Illinois.

Mr. SIMON. I would just inquire of the manager, Senator BYRD. Senator LAUTENBERG and I have a 2-minute colloquy we would like to enter into after Senator INOUYE's amendment.

Mr. BYRD. If the majority leader would like to get consent that Senator INOUYE could be recognized for 3 or 4 minutes, to be followed by the Senator from Illinois for the colloquy, and then the distinguished Senator for his amendment.

Mr. BIDEN. Mr. President, may I have 30 seconds?

Mr. MITCHELL. Yes.

Mr. BIDEN. Mr. President, this is a very important bill and it is urgent, but I would respectfully suggest it is no more urgent than the drug problem that we are ignoring, that we are being phony about, that we have told the people we passed a bill last year that provided for it. We have not done anything about it. We all implied we were going to come up with supplemental money for it.

The Senator from Delaware has at least one, possibly three amendments, and at this moment I am not prepared to enter into a time agreement on any of them.

Mr. MITCHELL. I thank the Senator for his comments.

Mr. President, I ask unanimous consent that Senator INOUYE be next recognized for consideration of an amendment, which I understand will be accepted; that upon disposition of that amendment, Senator SIMON be recognized for a colloquy for not more than 2 minutes; and that following that, Senator COATS be recognized to offer his amendment, with no time limit at this time but we understand he expects to take approximately 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 112

(Purpose: To authorize certificates of documentation for certain vessels)

Mr. INOUYE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 112.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for each of the following:

(1) the vessel Liberty, hull identification number BHA 5512 B and State of Hawaii registration number HA 5512 B;

(2) the vessel Navatek I;

(3) the vessel Nancy Ann, United States official number 901962; and

(4) the vessel Nor'Wester, United States official number 913451.

Mr. INOUYE. Mr. President, this amendment has been cleared by both managers.

Mr. President, my amendment is noncontroversial, in fact the substance of its provisions was reported unanimously by the Senate Commerce Committee.

Subject to certain limited exceptions, the provisions of law known as the Jones Act provide that only those vessels built in the United States, continuously documented under the laws of the United States, and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade of the United States.

Where the facts applicable to a particular vessel suggest that the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard my not issue a document permitting coastwise trading privileges for that vessel unless the requirements of the act are statutorily waived.

Mr. President, my amendment provides the necessary statutory waiver for the following four vessels: *Navatek I, Liberty, Nancy Ann,* and *Nor'Wester.*

The *Nor'Wester* is a 38-foot sailing schooner. It was built in 1926 in Wisconsin, and is currently licensed for recreational use. The current owners intend to begin a charter sailing business on the Great Lakes, and have applied for U.S. Goast Guard documentation for coastwise trade. They are unable to establish fully the chain of title for this vessel, however, and consequently cannot prove continuous ownership by U.S. citizens. Absent that proof, documentation cannot be granted.

The *Nancy Ann* is a 31-foot motor vessel built in 1975 and currently licensed for recreational use. The owners intend to utilize the vessel for charter sport fishing on the Great Lakes. This vessel has the same problem as the *Nor'Wester.*

The *Liberty* is a 20-ton sailing vessel built in the United States in 1969 and registered in the State of Hawaii. The current owner of the *Liberty,* a U.S. citizen, intends to utilize the vessel for charter by up to 6 persons. As in the cases of the *Nor'Wester* and the *Nancy Ann,* the owner is seeking a statutory waiver of the Jones Act because he is unable to establish fully the chain of title from the original owner to the present.

The *Navatek I* is a prototype ship of an innovative design that will be used to carry passengers among the Hawaiian Islands. The ship is 140 feet in length. The prototype may be used to provide demonstration rides to visiting business people, scientists, government officials, and potential customers and licenses. It may also be outfitted as a charter yacht/hospitality boat, offering unique day cruises around Oahu; inter-island cruises, and luxury charters. It can be configured to carry up to 500 passengers for day cruises. It was constructed in the United States, but in order to meet delivery schedules, some components of the pilothouse were procured in a foreign country. The value of the foreign components comprises approximately 3 percent of the total cost of the vessel.

In talks with the U.S.-builder, the Coast Guard agreed that for all intents and purposes the *Navatek I* is U.S.-built, because 97 percent of its construction has been done in the United States. Nevertheless, because the law requires new vessels to be built 100 percent in the United States, technically the *Navatek I* must be considered foreign built, and therefore ineligible to operate in our domestic trades, absent a statutory waiver.

Mr. President, as I noted earlier in my remarks, the Senate Commerce Committee unanimously approved legislation granting the necessary statutory waivers for these four vessels.

Mr. BYRD. Mr. President, the manager on this side is prepared to accept the amendment.

Mr. HATFIELD. Mr. President, we are prepared to accept the amendment, but I would like to make a comment.

I would like to have the Senator from Hawaii perhaps undertake at some point in time in the near future a review of the Jones Act.

I have been a supporter of the Jones Act, as has the Senator from Hawaii. But we are increasingly finding reasons, and just reasons, for exempting ships under the Jones Act.

I have increasing numbers of my constituents calling for a repeal of the Jones Act. I am not ready to accept that proposal yet but, at the same time, it seems to me one of our committees ought to be about the business of reviewing the Jones Act in 1989 as against the time when it was adopted and the purpose for which it was created.

I just really would like to raise that with the Senator from Hawaii.

Mr. INOUYE. Although I am not the chairman of the Merchant Marine Subcommittee at this time, I have been assured by the chairman, the Senator from Louisiana [Mr. BREAUX] that he will undertake such an investigation and hearing.

Mr. HATFIELD. I thank the Senator.

We are ready to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii [Mr. INOUYE].

The amendment (No. 112) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from Illinois [Mr. SIMON] is recognized for 2 minutes to engage in a colloquy.

FAA PAY DEMONSTRATION PROJECT

Mr. SIMON. Mr. President, I wish to engage my colleague from New Jersey, the chairman of the Transportation Subcommittee, Senator LAUTENBERG, who has led in this whole area of airport safety, in a colloquy on the FAA pay demonstration project.

Mr. LAUTENBERG. Mr. President, I am pleased to enter into a colloquy with the distinguished Senator from Illinois.

Mr. SIMON. As the Senator from New Jersey knows, three of our Nation's busiest airports—Los Angeles, New York Kennedy, and Chicago O'Hare—face serious safety and traffic problems. One of the biggest causes of these problems has been the inability of the FAA to attract qualified air traffic controllers and, over time, to retain them at any of these three airport facilities. While this is only one of many problems facing these airports, it is a critical problem. Last year, in response to this problem, the Office of Personnel Management approved a pay demonstration project at these three of the country's largest airports. This project will allow 2,000 FAA employees to be eligible to receive an additional pay allowance of up to 20 percent of their basic pay if they agree to serve at one of these three air facilities. The demonstration project will last for 5 years.

This project is crucial to beginning to address the safety and traffic problems facing our largest airports. The need for this project is immediate—it must go into effect as soon as possible. That is why my colleague from Illinois [Mr. DIXON] and I introduced legislation in February to speed up this process as much as possible.

We are all aware of the constraints on the supplemental appropriations package. In the President's original supplemental request, $7.1 million was requested to allow the pay demonstration project to begin in mid-June, as scheduled. The House Appropriations Committee reduced the funding so that the program could only operate in one airport and only for 2 years. Then, the full House deleted all funding for this project.

I am very pleased that the bill before us today has report language taking sharp issue with the language in the House report. The Senate approach to this program is due in large part to the leadership of the Senator from New Jersey. It is my understanding that the Senate Appropriations Committee intends for the FAA to proceed to implement the pay demonstration project on schedule, and that the project is to involve all three installations, to include the 20-percent bonus and to be in effect for 5 years. I have received the same assurances from the Department of Transportation as well.

I would just like to make sure that this is the understanding of my colleague, the chairman of the Appropriations Subcommittee on Transportation, as well.

Mr. LAUTENBERG. I want to thank my colleague from Illinois for his leadership on this vital issue of airport safety. Thanks in large part to his efforts, the FAA has developed a plan to address these longstanding problems of safety and traffic. It is also largely a result of Senator SIMON's leadership that this program has proceeded as quickly as it has.

It is absolutely the intention of the committee through report language that the FAA proceed for the remainder of this fiscal year to implement the pay demonstration project out of their existing budget. It is further my understanding that the Department of Transportation and the FAA will implement the program, starting in mid-June. Furthermore, we are determined to work with Senator SIMON and other supporters of airline and airport safety to insure that the fiscal year 1990 appropriation for the FAA includes appropriations necessary to fully implement this program at the three installations for the full 5 years as originally specified by the FAA.

Mr. SIMON. I thank the Senator. I look forward to continuing to work with you on issues of airline safety, and particularly to insure that the pay demonstration project receives full funding for the 1990 fiscal year.

I yield back my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana is now recognized.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. For what reason does the Senator from Illinois rise?

Mr. DIXON. Mr. President, I ask unanimous consent to make a 1-minute comment upon the good work of my colleague from Illinois in connection with this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I do want to congratulate my distinguished colleague from Illinois for his outstanding work in this regard. It once again demonstrates his concern for local problems in Illinois. Last year he took the lead in solving a problem when there was to be a strike of commuter trains in the Chicago region. He has now done outstanding work in connection with safety features at O'Hare Airport.

I think it demonstrates the concern my colleague has for the people of Illinois and I congratulate him on a job well done and I thank the distinguished Senator from New Jersey for his kindness and his cooperation.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. For what reason does the Senator from Maryland rise?

Ms. MIKULSKI. Mr. President, I make a unanimous-consent request to speak for 30 seconds as chair of the Committee on VA, HUD, and Independent agencies.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, the Senator from Maryland is recognized for 30 seconds.

Ms. MIKULSKI. Mr. President, I rise in strong support of H.R. 2072, legislation making supplemental appropriations for fiscal year 1989.

As chair of the appropriations subcommittee on VA, HUD, and Independent Agencies, I commend our distinguished committee chairman, Senator ROBERT C. BYRD, for keeping this legislation on track.

Senator BYRD has assumed his new role as chair of our committee with great energy and vigor, and I want him and my colleagues to know what an honor I consider it to be working with him.

The portions of Title I of H.R. 2072 related to agencies within the jurisdiction of the VA/HUD and Independent Agencies Subcommittee provide $1,263,000,000 in new budget authority and $627.6 million in outlays.

While these levels put us slightly above the House in budget authority, the Senate bill is $21 million below the House in new outlays.

Almost $1.2 billion of this new budget authority and $622 million of these outlays are for programs for the Department of Veterans' Affairs. Of the amounts for VA, $844 million in budget authority and $311 million in outlays is for mandatory entitlement veterans programs. Most of these programs are of a dire emergency nature and they deserve swift action by this body today.

The bill before the Senate includes $341,285,000 for VA medical care, $1,160,000 higher than the House. It includes a direct appropriation of $340 million for medical care, and a transfer of about $1.2 million from studies on as yet unauthorized VA construction projects. This $1.2 million transfer will be targeted to reduce the current $10 million prosthetics backlog for veterans who are amputees. These medical care funds will guarantee an additional 600,000 outpatient visits will take place in fiscal year 1989.

In addition, it should allow the VA to reach by year's end their congressionally-mandated medical care employment level of 194,720 FTE's.

In bringing this bill before the Senate today, I cannot help but emphasize the dire need for these funds for VA medical care. From 1980 to 1990, the number of veterans over 65 will more than double to more than 7.2 million, over 25 percent of all veterans. This demographic shift, along with sharp funding constraints in recent years, have stretched the VA's medical service delivery systems to the limit.

There are no honorary members among America's veterans. They are the heroes of our time—whether it was in the forests of Europe, the beachheads of the Pacific, the mountains of Korea, the jungles of Vietnam, or the streets of Beirut. America's veterans have answered the call to save our democracy. In acting on this bill promptly, we can in some small way say thanks back to them. We can guarantee that the red blood of our vets will not be used to balance the red ink of the Federal deficit.

In addition to funds for the VA, this bill also includes a number of other high priority programs. First, it includes $8.2 million to help eliminate drugs from public housing projects, one of Secretary Kemp's top priorities. Second, it provides $3.1 million so the newly-created Court of Veterans Appeals can begin its work in fiscal year 1989.

Third, it includes $15 million for the Environmental Protection Agency to hire a small amount of staff to implement several new environmental laws passed by Congress last year. Those laws include medical waste tracking, radon abatement, the ban on ocean dumping, lead contamination control, and plastics pollution control.

There are two provisions not included in the committee bill that were included by the House, on which I would like to comment.

The Senate bill does not include additional funds for public housing operating subsidies, nor additional funds for FEMA's Homeless Assistance Program. Both programs are very worthwhile, but constraints imposed by the deficit prevented us from adding them without offsets. And the offsets proposed by the House for both initiatives were unacceptable.

The House offset its additional $79.8 million for public housing operating subsidies by reducing the Moderate Rehabilitation Program by a similar amount. This would mean 728 fewer units of low-income housing would be created in fiscal year 1989 than was provided for in our 1989 appropriations bill. While the Mod Rehab Program was seriously abused by the last administration, Secretary Kemp has taken some bold steps to restore the program's integrity.

Rather than penalize "good guy" communities who did not employ consultants and who did not abuse this program, I believe we should give Secretary Kemp a chance to clean up this program.

Kemp has pledged to do so by issuing new, competitive guidelines by the end of this week—to guarantee the funds we have appropriated for Mod Rehab will go to those most needy.

The House also included $15 million for FEMA's Emergency Food and Shelter Program, funding it by cutting almost a third of what's left of the Urban Development Action Grant Program in fiscal year 1989. This cut in UDAG funding would mean up to 20 less project awards for the upcoming small cities UDAG round and as many as 10 less projects for the similar large cities round. No one disputes the merits of funding homeless programs, but I will not do it at expense of other

housing and community development programs.

In addition, the administration has proposed a major restructuring of FEMA's Food and Shelter Grant Program by transferring it to HUD in fiscal year 1990. The UDAG Program has had its share of criticisms, but I do not intend to take it off its respirator in a supplemental appropriations bill.

In conclusion, I believe this is a terribly important piece of legislation. We need to move on it quickly and cleanly, I urge my colleagues to support it.

Mr. COATS. Mr. President, I ask unanimous consent that the committee amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 113

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 113.

At the end of the bill, add the following new section:

"SEC. . SENSE OF THE SENATE REGARDING THE PANAMANIAN GOVERNMENT.

"It is the Sense of the Senate that the current ruling government of Panama is not democratically elected."

Mr. COATS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the yeas and nays?

Mr. BYRD. Mr. President, would the Senator withhold the request at the present time? It may be that we could accept the amendment. I do not know that we can. The Senator can always ask for the yeas and nays if he wishes.

Mr. COATS. I am happy to withdraw the request at this time.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I submit an amendment to the amendment.

The PRESIDING OFFICER. Is there an objection to the request for a second-degree amendment?

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana is recognized in support of his amendment.

Mr. COATS. Mr. President, may I at this time request the yeas and nays on the original amendment?

The PRESIDING OFFICER. The Senator from Indiana made that request and there was not a sufficient second.

Mr. COATS. Mr. President, the purpose for offering the perfecting amendment is simply to preserve my rights to order a rollcall vote should that be necessary. I am not aware that it will be necessary. I do not intend to ask for a rollcall vote.

My understanding is that the members on the pertinent committees have looked at the perfecting amendment and it does not present any objection. I would like to offer that perfecting second-degree amendment which is the heart of the amendment that I intend to offer.

Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. COATS. Mr. President, I now ask unanimous consent to offer another amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection? Hearing none, the clerk will report the amendment.

Mr. HATFIELD. Will the Senator yield for a question?

Mr. COATS. I will be happy to.

Mr. HATFIELD. If I understand my colleague, he has presented to the Chair an amendment dealing with the basic proposal that the Senator had indicated to us earlier, as managers of the bill, that he was proposing to offer relating to the Panama Canal? There is no second degree? It is now a clean presentation?

Mr. COATS. Mr. President, that is correct.

Mr. HATFIELD. I thank the Senator.

AMENDMENT NO. 114

(Purpose: To express the Sense of the Senate that a democratically elected government be in place in Panama before the Senate gives its advice and consent for the nominee for the position of Administrator of the Panama Canal Commission.)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself and Mr. DOLE, Mr. LOTT, Mr. BOSCHWITZ, Mr. HELMS, Mr. ARMSTRONG, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. WILSON, Mr. SYMMS, Mr. MCCLURE, Mr. BOND, Mr. D'AMATO, Mr. KASTEN, and Mr. MACK proposes an amendment No. 114.

"SEC. . SENSE OF THE SENATE REGARDING THE APPOINTMENT OF A NEW ADMINISTRATOR OF THE PANAMA CANAL COMMISSION.

"It is the Sense of the Senate that the President should not appoint a new Administrator of the Panama Canal Commission unless and until he certifies to Congress that the ruling government of Panama is democratically elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces.".

Mr. COATS. Mr. President, there is a great tendency these days to focus intense interest on the current event of the day. It dominates our headlines, dominates the evening news broadcasts, but quickly recedes from the public view when the next crisis appears. That has been the case with Panama. The situation that seemed intolerable—and is intolerable, in my opinion—has quickly faded from the headlines and from the lead stories on the evening news to a point where we have to search the morning paper to find the latest report.

None of this, of course, diminishes the impact of what has taken place in Panama. The fact that Panama's political institutions have been violently wrung of their ligitimacy by General Noriega's avarice and ambition, the fact that the victors in the recent election remain deprived of their rightful power by General Noriega's despotic whim, and the fact that Panama remains under General Noriega's military protection a virtual free-trade zone for drug shipments with drug traffickers given the run of Panama's banks and airports—none of this has changed. The only thing that has changed is the fact that the public is not provided the intense scrutiny of a few weeks ago.

Panama may be in the background now. I have little doubt that this will be the case for a long duration of time. In fact, I would suspect that within the next few weeks or months, it will again be back on the front page; we will again be discussing and debating it in this Chamber. I state that with some assurance because, while some Members of the body may not be aware, the administration of the Panama Canal Treaty and by statute will transfer power from a United States-appointed administrator to a Panamanian-appointed administrator. That event must take place no later than January 1, 1990.

It seems to me that it will be intolerable to the Members of this body, as well as to the American people, that General Noriega, should he still be in power, will be appointing the next administrator of the Panama Canal; that the actual day-to-day operation of the canal will be in the hands of a Noriega-appointed administrator. It is with that concern that I introduced a couple of weeks ago a bill which would prevent the appointment of a Panamanian canal administrator until the President of the United States certified to this body that the Government of Panama is elected fairly, according to its own constitution, and that it is in effective control of the Panama defense forces.

This legislation has been referred to the Armed Services Committee, and I requested that hearings be scheduled. Today, however, I am proposing to the body a sense-of-the-Senate resolution based on the language in that bill. Its purpose is simple and it is direct. As long as General Noriega's drug dictatorship remains in power in Panama, as long as he stands against Panama's democratic will, the ordinary transfer

of power and transfer of control outlined by the Canal treaties will not receive the consent of the Senate.

Manuel Noriega and his military supporters should not count on our inattention and inactivity. There should be no time limit to our resolve, no expiration date to our outrage over the events that have taken place in Panama; that the canal administrator should be selected by a legitimate government, and until that condition is met, the Congress would pledge to withhold its consent.

These actions that I propose do not affect the treaties one way or the other. They simply outline the criteria for our consent as outlined by the treaties and by U.S. statute. Our message ought to be a strong one. We ought to be reminding Manuel Noriega that his longevity does not certify legitimacy, and it ought to send a signal to the democratic opposition that it promises our recognition and our support. It is one more instrument, one more attempt to bring pressure on Noriega proposed at a time when he might be starting to feel secure behind a comforting shield of obscurity. It takes the measure of our continued commitment, and I strongly urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there are Senators who I understand will oppose this amendment. I hope that they will come to the floor quickly so that we can dispose of the amendment one way or the other soon.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 28, LINE 19 THROUGH PAGE 31, LINE 16

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendment on page 28, line 19 through page 31, line 16 be agreed to and considered as original text for purposes of further amendment with the understanding that points of order will not be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Excepted committee amendment on page 28, line 19 through page 31, line 16 was agreed to.

AMENDMENT NO. 114

Mr. BYRD. Mr. President, I thank Mr. COATS for making his presentation, and I commend him on being on the floor and being diligent about his business. I hesitate to have to suggest the absence of a quorum. Perhaps there is another colloquy that could be disposed of now. I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I would like to indicate my support of the amendment of the Senator from Indiana. I think it is a very timely amendment.

We often describe the legislation we author or support as "sending a message." Candidly, I think we would have to admit some—maybe most—of those messages do not amount to much. Sometimes, though, the messages are real, clear and important. This is one such case.

This amendment is a message for Manuel Noriega, the drug-dealing dictator of Panama, and for the Panamanian people. The message does not mince words: The United States Senate does not intend to turn over the Panama Canal to Panamanian control until Noriega is given the "boot" he deserves.

Specifically, this legislation calls on the U.S. Government to "freeze" the next steps in the process of turning over the canal until Noriega goes. It says that the Senate does not intend to move on giving advice and consent to any canal administrator nominated by Noriega.

As the President has made clear, we are going forward—with the Panamanian people and the other nations of the hemisphere—in trying to restore democracy to Panama. In the meantime, we are not going to agree to putting vital American interests like the Panama Canal more firmly in the clutches of a dictator and drug-pusher like Noriega.

Eleven years ago, during the canal treaties debate, I stood on the floor of the Senate and said: "The credibility and personal integrity of Panama's leaders will bear upon their reliability as Panama's guarantors of the new treaties." I was right then, and all of us who are supporting the Coats legislation are right today.

This is a "yellow light" on the road to a full turnover of the canal. But there is a "red light"—the binding version of this same legislation—just a bit further down the road. And if the Panamanian people miss this signal and Noriega ignores this caution light, Senator COATS and I and many others are going to be here again—to send another, even stronger and clearer "red light" message, that no one will be able to mistake or ignore.

I thank my colleague for permitting me to cosponsor the amendment.

Mr. BYRD. Mr. President, if there were other Senators who have amendments at this time that we could call up perhaps while Senators who are opposed to this amendment are getting to the floor, we could be making some headway.

Mr. President, while the Senate is not observed to be making any movement at the moment, I ask unanimous consent that I may offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 115

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 115.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, line 2, before the period insert the following:

"Provided further, Notwithstanding any other provision of law, the Federal Aviation Administration shall renegotiate the Logan County Airport grant agreements "5-54-0013-01-77" and "5-54-0013-02-78" to include funds sufficient to cover the additional project costs associated with project delay and inflation, so that the project can be completed as originally intended.

Mr. BYRD. Mr. President, the amendment I have offered does not increase the spending totals. It is a technical amendment that allows the Federal Aviation Administration to renegotiate the allowable costs for grant agreements already provided for site preparation work at Logan County, WV airports. Because of private companies' bankruptcies, work on this vital project has faced inordinate delays with consequent increases in costs due to inflation.

This amendment does not expand the original scope of the project. It is expected that the additional funds needed will be derived from the Federal Aviation Administration Airport Improvement Program discretionary fund balance. The chairman of the subcommittee, Mr. LAUTENBERG, has no objections to this amendment and I understand is willing to accept it.

Mr. HATFIELD. Mr. President, we have no objection to the amendment on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 115) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 114

Mr. LEAHY. Mr. President, are we now back on the amendment by the distinguished Senator from Indiana?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I have just seen the amendment. I wonder if the distinguished Senator from Indiana would be willing to answer a couple of questions regarding his amendment?

Mr. COATS. I will be more than happy to, Mr. President.

The PRESIDING OFFICER. The Senator will be happy to respond.

Mr. LEAHY. Mr. President, I ask the distinguished Senator from Indiana whether the treaty that we now have with Panama, so-called Panama Treaties, is that presently the law of the United States?

Mr. COATS. Mr. President, in response to the question, I would indicate to the Senator that that treaty is indeed codified into law. The 22 United States Code section 36.13 is the operative part of that statute that I am dealing with here.

Mr. LEAHY. I ask the distinguished Senator from Indiana whether under that law the United States is required jointly with Panama to appoint a Panamanian administrator this year?

Mr. COATS. Mr. President, the treaty now codified in the Panama Canal Act does provide that the administrator be appointed as a U.S. administrator until December 31, 1989. As of January 1, 1990, the name that is submitted for approval by the President of the United States and with the advice and consent of the Senate would be under the current circumstances General Noriega, which I submit here in the sense-of-the-Senate resolution would be a situation which the American people would not look upon favorably, nor would this body.

I am not attempting in any way to abrogate the treaty or any part of the statute. I am simply saying that we ought to send a signal at this point that such a situation would result in perhaps attempts to change the statute or amend the treaty.

For those who are concerned about it, I say this perhaps would, as Senator DOLE said, send a caution light that we should not continue down the same path.

Mr. LEAHY. I am not suggesting, Mr. President, the distinguished Senator would want to abrogate the treaty. I am just concerned that we not do anything which really plays into the hands of General Noriega and allows him to raise nationalistic fervor. I have many classmates, friends from my teenage days who live in Panama, who are strongly opposed to General Noriega, as am I.

I do not know of any Member of the Senate, Republican or Democrat, who wants to see General Noriega stay in control of the country of Panama. I think every one of us, Republican and Democrat alike, are totally convinced that the anti-Noriega forces won overwhelmingly at the ballot box a couple weeks ago and the Noriega-backed candidates lost heavily. There is not any one of us in this Chamber who does not believe that General Noriega has tried to steal that election, and there is not any one of us in this Chamber who was not appalled at the television scenes of brutality against the man who was elected President and the two men who were elected Vice Presidents of Panama. I know the distinguished Senator from Indiana and I are in absolute agreement on how opposed we are to that situation and how opposed we are to it continuing.

I would note to the Senate that any administrator whose name comes up is going to have to be approved by this body. We have to advise and consent as to that appointment.

General Noriega has tried consistently, and in some areas of Panama with some success, to say the opposition to him is not because of his drug dealings, not because of his autocratic takeover of the government, not because of the cruelty that he has inflicted upon his opponents, not because of the fact that he has obviously garnered huge wealth illicitly out of Panama, the opposition to him is not because of any of those things but, rather, the United States having some kind of plot against him and to overturn the Panama Canal treaties.

Next week, for example, the OAS is going to meet to try to get some support in an effort to force General Noriega out, not just the United States going it alone.

I share the concern of the Senator from Indiana and opposition to General Noriega.

I do not think Members of this body have spoken out more strongly or more publicly or more often than I have in opposition to General Noriega. I was one of the first in this body to speak in opposition to General Noriega back when he was receiving letters of congratulation from the DEA, letters of congratulation from high ranking officials of the administration saying what a wonderful friend of the United States he was. I was one of the lone voices to speak out against him. Nobody should misunderstand that longstanding opposition.

Very few Members of the Congress have been speaking out against General Noriega as long as I have.

But what I would hate to see happen is that in opposition to him we actually give him the ability to say that somehow we are out there attacking him not because of his misdeeds, which are legion, but rather because we are trying to overturn the treaty that we have entered into with Panama.

I hope that the Senator from Indiana and other Senators would ask themselves whether this sense-of-the-Senate resolution, which strikes at the totally improper activity of General Noriega, might in effect actually play into his hands especially coming just 2 or 3 days before the OAS is going to meet on the same subject.

That is the only issue I raise. I think once the same people from our Government who had supported General Noriega, the same people who had praised him finally found what I and others had been saying about him was so, they kind of went the other way in trying to get him out and still have not gotten him out. We have to be very careful what steps we take.

I am told that the administration opposes this amendment and I suspect the reason they oppose it is that they want to make sure they speak with one voice and go very carefully step by step in trying to rid our hemisphere of General Noriega, something on which we all agree.

I only raise this point, Mr. President, because I am concerned that should this be passed, even though it speaks the same feelings that all 100 Members of the Senate have in opposition to General Noriega, it may very well give him one more arrow in his quiver saying it is a plot against him.

That is the point I make, Mr. President. I would be glad to hear anybody's response on that.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, I wonder if I might engage my colleague from Indiana in a couple of questions because I am unclear as to what the present fact situation is.

As I read the resolution, it would appear to me that what we are talking about is the anticipated appointment for Janaury 1, 1990, under the treaties. But one might also read this in suggesting that there is a vacancy presently in which case this would be an immediate appointment rather than in anticipation of the change from United States leadership of the Commission, Panamanian leadership, and I wonder if my colleague might clarify for me to which of those two fact situations this reoslution is pointed.

Mr. COATS. Mr. President, in response to the Senator, I stated that what we are doing here is anticipating the change that is required by the treaty that must take place by January 1, 1990. This sense-of-the-Senate resolution simply says that in anticipation of that change, and the name could be submitted to the President tomorrow, if General Noriega so is inclined, for transfer of the administration of the canal to begin on January 1, 1990. It is anticipation of that submittal that we are attempting to send a signal saying that the person submitted which will be Panamanian ought to be submitted by a democratically elected government in accordance with the Panamanian constitution.

Mr. DODD. I would be glad to give my colleague the merit. I was unclear. I was under the impression there might be something else required and not require filling of the position.

Mr. COATS. No.

Mr. DODD. Let me further ask. As I understand it under the treaties the name of the Panamanian would be submitted by the Panamanian Government to the President of our country. The President in turn would then place that name at his discretion. They can reject that name at the executive branch level. But if he decided to accept it, then he would forward that name along to this body, and we in turn would then have to confirm in effect that nomination. Is not that the fact situation as it would play out assuming everything else was normal?

Mr. COATS. That is correct. We are not now dealing with a name before the President to be submitted to the Senate.

Mr. DODD. So the assumption would be then that President Bush would have to agree with the choice made by the Panamanian Governor before he would even send that name to us?

Mr. COATS. In response to the Senator, let me state that while that is correct, and while we can make some assumptions as to the President's agreement or disagreement with the name submitted, what I think this body would find palatable is that the name submitted to the President or subsequent name, should the President not accept the first, be not submitted by General Noriega, someone who does not have the support of the Panamanian people, clearly not the elected leader of the Panamanian people, and perhaps would raise very serious questions about other aspects of the treaty.

Mr. DODD. I thank my colleague for that response. That clarifies it in terms of what this is. So we are dealing with an anticipatory situation that would arise on January 1, 1990, wherein under the treaties, as ratified, the Panamanians would assume control of the Commission, now under General Paula, I believe, as the director, if you will, of the Panama Canal Commission with a Panamanian in the No. 2 position, Mr. Manfredo, who, by the way, is highly regarded by all who had anything to do with the Panama Canal over the last number of years. He is very highly thought of. In fact, an awkward situation might occur where his name was forwarded even without any change. We would have to agree that he would be a first-rate Commissioner. In fact, many would hope that might be the case. At any rate, the President would then have to take that nomination, our President, accept or reject it, and then send it to us.

My colleague, having raised this, brings up some very good points on which all of us agree. Clearly none of us want to see General Noriega making the decision as to who will be next Commissioner of the Panama Canal Commission. There is no disagreement, debate, or dissent on that point at all. But I have far more confidence in President Bush's ability to make the sound judgment when and if that situation emerges that General Noriega is sending us a nomination. I think it is probably unwise for us at this particular juncture during a delicate period to complicate that decision.

I wonder if at some point here my colleague might consider, having raised the legitimate points about the problems that this particular fact situation could create in this body, or for the President or the people in the hemisphere, withdrawing the amendment, having made the points and raised the concerns which I know he feels very strongly about as my colleague from Florida does, Senator MACK, who addressed this issue on a number of occasions. I think most of us here talked about this particular problem we face. But I think we all agree as well at this juncture, at least most of us do, that President Bush has handled this situation pretty well. The fact that he convinced the Organization of American States to endorse a resolution, support a resolution, which names General Noriega specifically and calls for change I think is a profound and significant foreign policy achievement in this hemisphere. The reason he was able to achieve that is because he avoided raising the Panama Canal Treaties prematurely.

Had President Bush insisted that element be included at the Organization of American States meeting, then we would not have achieved maybe one or two votes in our efforts to isolate General Noriega. That had been the case up until recently. We were isolated. General Noriega had the support in the region. President Bush, to his credit, has entirely reversed that situation. Now General Noriega, the Cubans, and the Nicaraguans, and the rest of the Americans are on the other side.

It seems to me we do not want to lose that dynamic. That is a very important dynamic for our country in this hemisphere, and my concern would be that we are giving General Noriega a tool here that he has desperately sought over the last several months, has been unable to achieve, and that is the high ground—that all the United States is really interested in is to abrogate the treaties. None of us here agree with that. It has been stated over and over and over again. The President could not have been more clear on that particular point.

My concern would be that the adoption of this sense-of-the-Senate resolution would give General Noriega exactly what he has been looking for, exactly the message that he has been trying to make throughout this hemisphere without any success whatsoever. We have won the day.

This is going to be a protracted contest, I suspect. It is one that is not going to be resolved over the next day or week necessarily. Hopefully I am wrong on that. My feeling is it is going to take a little time. So rather than confront a situation which I believe we may have to face in a matter of 8, 10, or 12 months, it seems to me we ought to give the President, we ought to give the Secretary of State, and we ought to give the State Department and others the opportunity to continue to press on the course that they are following.

One of the reasons they have been successful is because we have avoided statements or resolutions which was suggesting some way that we are going to abrogate part of those treaties. I urge, if the Senator can see his way through, because they have raised some very good points here, to withdraw this amendment, having made the points, and give the President an opportunity to work on this issue with the Congress. I think we have done this pretty successfully. Then if things do not work out, we will come back to this, or something stronger than this, in the next 8 or 10 or 12 months.

I happen to believe there is no way in the world, under the present situation, that President George Bush is going to send to this Congress the name of a Panamanian sent to him by General Noriega. That is just not going to happen. I trust George Bush not to do that. I do not think this resolution in that sense is necessary, if you have confidence that the President would not in a sense do what the resolution is asking him to do anyway. I urge withdrawal of the amendment, and hopefully we can continue the path we have been on.

Mr. President, I——

Mr. COATS. If the Senator will yield for a response.,

Mr. DODD. Yes.

Mr. COATS. I understand the Senator's concern, as well as the concern of the Senator from Vermont about strengthening Noriega's hand, but I think this does just the opposite. I am concerned that our silence condones the present situation, that our silence sends a signal to the Panamanian people, who have overwhelmingly elected a democratically elected government; and it in effect strengthens Noriega's hands, not to send a clear message, clear and definite message to General Noriega, to the Panamanian people that the United States Senate simply does not condone, nor will it in the future, an appointment of an administrator by General Noriega.

Now, whether or not President Bush accepts that first appointment, it seems to me that we can find ourselves at an impasse, as General Noriega submits name after name after name of his hand chosen administrator, which

the President finds unacceptable and perhaps does not send down to this body for consent. That would bring us to an impasse, at which point the American people would demand changes in the treaty for the United States to again reassert what many people think are its legitimate rights with the Panama Canal Treaty.

This amendment, you could argue, seeks to avoid that confrontation by giving the President a strengthened hand now and sending a message to General Noriega that if you do not take our silence as a consent that you may submit any name you want anytime you want.

Second, it sends a message to the Panamanian people that the United States Senate stands four square behind the democratic process because the sense-of-the-Senate resolution states that we want this new administrator appointed by a democratically elected government. It does not say that it cannot be appointed by Noriega. It says that we want it appointed by a democratically elected government.

I have had no indication that the administration opposes this, as has been suggested; to the contrary. I have spoken with members of the administration and have not received any information back that there is opposition to this. So I submit that we share the same concerns, that we not strengthen Noriega's hand, but that we do just the opposite of what has been suggested, and that we do send a signal that supports the Panamanian people, and their expressed resolve a few weeks ago to elect a democratically elected government, and that this in fact accomplishes——

Mr. DODD. I ask my colleague whether or not he has had the opportunity to talk to any of the leadership of the opposition to General Noriega in Panama about this amendment.

Mr. COATS. I have not discussed it with the opposition, although we have been in contact with a number of people who have been in contact with the opposition.

Mr. DODD. It is not true that the opposition has taken—I have not spoken with them either, I would say, but at least in the past their message to us has been, "Please, please, do not complicate the present situation by suggesting that you are about to abrogate the Panama Canal Treaties." That would mean the worst possible blow to those of us who oppose General Noriega, who would like to see him go; that is the worst possible thing you could do for us.

If you want to strengthen General Noriega, if you want to keep him in Panama, if you want to destroy the opposition, then you make it apparent that the United States' support for the opposition here is rooted in one issue only; that is, the abrogation of the treaties. This could be a lethal blow to democratic opposition in Panama. That is their conclusion, not mine. That is their conclusion. It seems to be on this day, as they are struggling for freedom in their country, we ought to listen to them. We ought to at least decide whether or not they have a right to determine what makes best sense for them.

They have said this hurts. They have said that this is a blow to us. Cannot we defer to them? Can we give them the opportunity to decide what is best?

If the administration—and I would be surprised if they endorsed this amendment. I think we ought to know the answer to that.

Mr. LEAHY. Will the Senator yield?

Mr. DODD. Yes.

Mr. LEAHY. I hope there is no confusion on where the administration stands on this. Apparently, the distinguished Senator from Indiana has been told that the administration supports his—if I understand correctly—resolution. I have been told by congressional relations at the State Department that I am authorized to say that the administration opposes the resolution.

So I hope somewhere they will get their act together. I do not question for one moment the Senator from Indiana, who says he has been told they support it. I should note, Mr. President, that within the last 20 minutes, we were told by congressional relations in the State Department that I am authorized to say that they oppose the resolution. So it is frustrating for me, and I am chairman of the Foreign Operations Subcommittee. But let me make a point here. The distinguished Senator from Indiana speaks about what things might or might not strengthen General Noriega.

Frankly, what has strengthened General Noriega the most was during the past 6 or 7 years when key figures of the administration coddled him, toadied up to him, held his hand, turned a blind eye to his drug dealings, his robbery of his own country, his stifling of democracy, and they did it because he would help them in the same way they hoped the ayatollahs in Iran would help them, in some shoddy dealing with the Congress.

Now, the fact is, time and time again, and I believe the distinguished Senator from Connecticut and others went to the administration saying, "You are wrong, you are wrong in protecting and mollycoddling this dictator," and time and time again I was told by everybody from our State Department to our intelligence agencies, "The man is fine. Look at the letters he has gotten from the drug enforcement agency praising him. Look at all these other commendations he has gotten from us publicly and privately, because he has been such a wonderful help to us. You know, Senator LEAHY, you are off base in suggesting General Noriega is anything but a valued friend and ally of the United States." That is what strengthened him.

I commend the new administration for finally facing up to what a lot of us have known for years, that he is a two-bit dictator who has been willing, for his own personal greed, to ignore the wishes of his own people, to bring economic hardship and devastation on his own country. Instead of being a patriot, he is somebody who is so self-centered for his own gain that he is willing to let the other citizens of his country suffer so he can gain by it.

Having said that, let us not, when we have an administration that is facing up to the real face of General Noriega, sidetrack their ability to do something with him. Let us at least give them some time to have the administration speak with one voice, have this country speak with one voice in its dealings with General Noriega. We have done a very careful step. I commend the President for stating very clearly that the election was stolen.

I would say to my friend from Indiana if there is something that would send a message to General Noriega, send a message to the hemisphere, send a message to the country, to the whole world, it was the United States' very strong statement that the elections were stolen, that the opposition won wholehandedly, and then in a steady course, as my friend from Connecticut will remember, the Catholic church in Panama concurred with our judgment on that, and then country after country after country joined in. It was a pretty amazing thing to finally find the United States having other countries agreeing with us in Central America, joining in and saying yes, the election was stolen; yes, the opposition to General Noriega had won, and then to go to the OAS—talk about sending a message—the Secretary of State and other key officials of the U.S. Government went to the OAS, spoke about what has happened, and then again with country after country after country supporting us in our opposition to General Noriega, that sent a clear and resounding message because we have gone step by provable step, by careful step, by worked-out-ahead-of-time step, and we have had the unity that we have not had in the past in dealing with Central American policy.

Mr. DODD. Mr. President, if my colleagues will yield, I appreciate his point, and then I will be glad to yield the floor because I know my colleague from Indiana has comments he wants to make.

Let me make one last point to my colleagues here as well as on this issue.

As we all know, the OAS in addition to supporting the resolution that the United States put forward in over-

whelming numbers, the Secretary-General of the Organization of American States sent a delegation, a three-member commission down to Panama to talk with the various elements in that country to determine what steps ought to be taken next. That commission is due to report back to the OAS in a matter of days.

It is highly likely that our Secretary of State and our President are going to ask the Organization of American States to take additional steps in light of that commission report.

If this body supports a resolution which complicates the administration's position and makes it difficult for them to seek additional measures against the Noriega regime by the OAS, then what we do today will be self-defeating.

So I urge my colleague and again make a plea to my good friend from Indiana to withdraw this amendment. The vote on this amendment, if he prevails, could cause the Bush administration to suffer a significant foreign policy defeat at the next meeting of the Organization of American States.

Having won a great victory only a few weeks ago, this kind of move could cause a reversal of that decision, and that is not engaging in hyperbole or exaggeration. That is exactly what the effect of this resolution as harmless as it appears could be, and then that would be the case.

So, Mr. President, I make that personal plea to our colleague from Indiana. If that is not the case, then I would hope that at a proper moment a motion will be made to table this amendment.

Again I urge my colleagues to consider the position of the opposition in Panama and how they feel about this kind of language. In fact the administration, as my colleague from Vermont has indicated, does not support this. I presume if you talk to the southern command people, the military people in Panama, our military people, and ask them what they would think about this, you would receive a similar response. This is an unwise foreign policy move at this particular juncture.

So, Mr. President, I urge the rejection of this amendment or preferably the withdrawal of the amendment.

Mr. COATS. Mr. President, will the Senator yield for just a clarification on a couple of points?

Mr. DODD. I am glad to yield.

Mr. COATS. I wish to make clear what I said earlier and perhaps I was not as clear as I should have been.

I did not indicate that the administration either supported or opposed this. I simply indicated that I had submitted the language to the administration several weeks ago and not heard any objection. I am not sure that they have a position on this particular issue before us now. There has been no indication to me of opposition, and I have submitted it to them for their review.

Second, I wish to make a point. The point was made earlier that we want to be careful not to abrogate the treaty. This is not designed to obrogate the treaty. It does nothing to indicate that whatsoever. It does not affect the treaty.

It simply sends a strong, clear message of support for the democratic process in Panama. I think it strengthens the President's hand. I do not think it gives Noriega an excuse to consolidate his power. I think it does just the opposite.

Obviously, we disagree on that, but I wanted to make clear those two points because we had discussed those earlier in the discussion.

Mr. President, I am ready to move this to a vote.

The PRESIDING OFFICER. The Senator from Connecticut still has the floor.

Mr. DODD. Mr. President, the point has been made. It is my understanding our colleague from Indiana has reached the decision not to withdraw the amendment and would like to move forward with it and have a vote.

Mr. COATS. I do not intend to withdraw the amendment. I think it makes an important point and one on which hopefully we can agree.

Mr. DODD. Mr. President, I do not know if others would care to be heard on this amendment at all or not.

I am looking at our floor manager here, the distinguished President pro tempore.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while there is some discussion going on, I would just wish to reiterate one more time——

The PRESIDING OFFICER. Does the Senator from Connecticut wish to continue speaking on this?

Mr. LEAHY. Mr. President, will the Senator from Connecticut yield to me?

The PRESIDING OFFICER. Does the Senator from Connecticut yield the floor?

Mr. DODD. I am glad to yield to my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, again just to reiterate the point for those who have been over at the rotunda out of respect for our distinguished former colleague, Senator Pepper, I would note that nobody, I might say, nobody in this body has spoken out against General Noriega earlier, longer, more vocally than I have.

Again, when many, many people who now suddenly oppose him were strongly supporting General Noriega, both in the Congress and in our Government, I was speaking against General Noriega and what he was doing in Panama.

I was also speaking out against the fact that our Government was helping to create General Noriega by turning a blind eye to his activity in return for what some in the Government thought was help from him and which many of us thought was simply steps taken to seriously damage our own foreign policy.

Be that as it may, the pendulum comes around and now I find that both Republicans and Democrats agree with the position I have had for years that General Noriega should go. I think we all agree on that now. Unlike the fact when there was a divided attitude in this city, I think everybody in the administration, everybody in the Congress, wants him out, and I applaud that.

But in doing it we have found that some of the steps taken during the past year have not worked and not done a single thing. We also found that when we had missteps he has been able to use that to ratchet up nationalistic feelings on his side: The United States is going to take over the canal. The United States is coming in with gunboat diplomacy, et cetera, et cetera, et cetera. And he has been able to use that.

I think concerning the fact that the Bush administration has taken some very, very careful calculated steps, step by step in trying to get unified support to get rid of General Noriega, this is one of those instances where we should not step into that.

We are going to have plenty of bills coming up. We have a foreign aid bill and a number of other things where if we disagree we will have to take it by the administration. Any Senator, Republican or Democrat, could propose resolutions, amendments or anything else, suggesting a different policy.

In the meantime I think, especially with the meeting on Tuesday of the OAS—I believe it is Tuesday—we ought to stand behind the steps taken by the administration and not try to second guess them.

I think my distinguished friend from Connecticut, the senior Senator from Connecticut, who knows many of the people in the opposition as I do, knows how difficult and delicate a situation it has been for the opposition to General Noriega in Panama and that they have wanted to see careful, step-by-step measures taken here and things that do not, no matter how well intentioned, inadvertently undercut them.

So I make that point, Mr. President. Nobody here wants General Noriega to stay but, unfortunately, a lot of his foundation was put in by those who were unwilling to speak out against him in the last 2 or 3 years and now, in an attempt probably to get right with our conscience, everybody now wants to speak out against him and we may do it in such a way that just inadvert-

ently emboldens him and increases his level of support in Panama. At a time when that level of support is fast diminishing, we should do nothing that might reverse that trend and increase it.

Mr. DODD. Mr. President, we are in the process of trying to determine—we have just finished speaking to the State Department and told of the opposition to the amendment now. Our colleague from New Hampshire is also inquiring, because, apparently, there is some confusion.

I think before we vote on the amendment we ought to know where the administration stands. If they are saying to those of us on this side of the aisle, "We oppose this amendment," and they are saying to our colleagues on that side of the aisle, "We are in support of your amendment," then, obviously, there is a little confusion here and I think we ought to know the answer.

So I am prepared to move that we lay this aside until we get an answer. But I want to know where George Bush and the administration stand on this amendment. If they are for this amendment, then everything they have done for the past 1½ months was nothing more than just local domestic politics. And we ought to know that.

My view is the adoption of this amendment guarantees, you will just guarantee, mark my words, you will guarantee in perpetuity Gen. Manuel Noriega in Panama. That is what this amendment does.

But we ought to know where the administration stands. So my hope would be that we would get a clear signal, either they are for or against. If they are for it, then they have to bear the responsibility for what this foreign policy initiative will create.

Mr. LEAHY. Will the Senator yield on that point?

Mr. DODD. I am happy to yield.

Mr. LEAHY. Mr. President, as I mentioned earlier, I am chairman of the Foreign Operations Subcommittee.

At the request of our distinguished chairman, Senator BYRD, earlier this year, I expedited a hearing on the Contra aid package. The distinguished chairman knows I have always, consistently, in committee and on the floor, sometimes with great reluctance because of my respect for the chairman, I have always voted against anything for Contra aid.

On this one, because of the clear statements made by both the Democratic and Republican leadership of this body and of the other body and of the administration, and because of my strong respect for our chairman, I not only expedited that but voted for it. The distinguished chairman arranged to get that on the floor, I believe, the next day, I say to my friend from West Virginia, and we passed it.

I voted for it. The first time I ever cast a vote for that. I did it for a couple of reasons. First, I took the assurances at face value of everybody involved with that, from the administration straight through, of course, to my colleagues here in the Senate. I would anyway because I know and respect them so well. I cast my first vote of that nature.

I also did it for a second reason. As chairman of this committee, I know it was going to be important to try to form any kind of bipartisan consensus to work carefully with the administration in those areas in which we agree and try to get bipartisan support.

But, Mr. President, I hope that those who monitor these things for the administration are listening. If we run into a situation where the administration tells some Senators that they are for an issue and tells other Senators they are opposed to it, it will be a cold day in hell before they will find me being willing to give them the benefit of the doubt on matters that come before the Foreign Operations Subcommittee. And it will be a very, very cold day—and, believe me, I come from a State where we know what cold days are like—it will be a very, very cold day when they find me going that extra mile to help them.

So I hope the administration is listening carefully, because if we are getting different signals, if they are giving different signals where they tell me and the distinguished senior Senator from Connecticut one thing and the distinguished Senator from Indiana and the distinguished Senator from New Hampshire a different thing, then we have a real problem.

And I believe that the Senator from Indiana would probably feel the same way. He does not want to be in a position where he gets told there is support for his amendment to him, and then we are told there is opposition to the amendment on this side. But I just would hope——

Mr. COATS addressed the Chair.

Mr. LEAHY. If I could just finish this one thing, I will gladly yield to the Senator.

I should emphasize, Mr. President, I do not in any way suggest the distinguished Senator from Indiana is telling us anything different than what he heard. I know if he says that, I accept absolutely, unequivocally that this is what he was told.

What I am concerned with, though, is that he gets told one thing and I get told another. But I want the administration to understand this. If this is the case, they have broken their pick. They have indeed broken their pick, not so much on this issue, because there are going to be a whole lot of issues where they are going to have to go before this subcommittee.

They should know one thing about Vermonters. We put a great deal of value on the word of people. We always take people's word unless we are given a reason otherwise. If we are given a reason otherwise, Vermonters tend to be very, very stubborn people.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut still has the floor. I remind Senators that it is proper to yield time for a question. We have been yielding for lengthy speeches.

Mr. DODD. Mr. President, I am glad to yield to my colleague from Indiana.

Mr. COATS. I thank my colleague. I want to repeat now for the third time that I never indicated that the administration has supported this sense-of-the-Senate resolution. What I said was I have had no indication of lack of support for the resolution.

I have submitted the language through staff to various administration people and have not received back any indication that they were opposed. I do not allege on the floor of the Senate that I have word that the administration supports this.

I do not want the record to indicate, as has been suggested, that the administration has given conflicting messages. I do not know if they are in support or opposed. I assume that they were in support of the basis of the fact that I did not hear any reaction back from any official as to opposition to this.

But the situation before us is one in which, I believe, the administration ought to support. I have no indication they do not support it. I think it strengthens their hand. It strengthens the hand of the OAS. It strengthens the democratic forces that are at work in Panama. And it weakens General Noriega's position because it is one more signal that the United States stands in solidarity with the democratic process in Panama and the people of Panama in indicating that it simply is not acceptable to us to have Noriega continue his leadership of those people, which is illegitimate, and to continue that by appointing a new administrator of the Panama Canal would surely be unacceptable to the President and to the Senate.

This is a sense-of-the-Senate resolution to provide a strengthening hand to the President, to the OAS, and anyone else who wants to send a message to Noriega that his continued reign of terror and illegitimacy in Panama is not acceptable to the American people.

I thank my colleague for yielding.

Mr. DODD. If I might just inquire. We talked to a fellow by the name of David Sciacchiatano at the Department of State. His response, speaking, he said, on behalf of the Section on Inter-American Affairs, was: "We are flatly opposed to the amendment."

I do not know who David Sciacchiatano is. I never met the man. But it seems to me, on a matter of this seriousness and this importance, we ought to have word whether or not the administration is supportive. That is the word I have.

I hope that my colleague from Indiana and others, before pursuing this, might make a call. It would take 2 minutes to make a call down to the White House to say, do we support this or oppose this? I think a matter of this kind ought to, where foreign policy matters are involved, we ought to know exactly where the White House stands on these issues because, obviously, we are either going to assist them in their view or harm their efforts.

I think, in fairness, we ought to have some sense of how they feel about this amendment. So I would request that before we come to a vote on this that the author of the amendment, our colleague from Indiana, make that call, if he could, and report to his colleagues as to whether or not the administration takes one of three views—I guess they could—we support, we oppose, or we have no opinion.

If that is the case, at least we know that as we consider the matter. But I would feel a lot better, knowing the amount of work that has gone into this issue, and knowing there are some that oppose in the administration—but before we adopt this amendment or deal with it here on the floor, I think in fairness we ought to at least have their view.

I would urge that, Mr. President, and ask my colleague from Indiana whether or not he would be willing to withdraw or set aside the amendment for 5 or 10 or 15 minutes, whatever time it takes? I certainly have nothing more to add to this. If he would just come back and report the outcome of that conversation, the administration supports, opposes, or takes no position, and then we would vote. I would feel better if I could find out where the administration stood on this. I make that suggestion to my colleague. It is a motion he ought to make.

Mr. COATS. Well, let me ask the Senator this question. If the administration comes back with an indication that they either take no position or support, can we count on the support of the Senator from Connecticut?

Mr. DODD. No. I think it is a bad idea, the Senator's amendment. I will state the reasons why.

This will be General Noriega's best day in 3 months if this amendment is adopted. That is my view. I have stated my views on these amendments in the past. But I would like to know whether or not the administration is saying different things here. Maybe they have changed their tune? I would just like to know that as we debate and vote on it.

Mr. COATS. Mr. President, if the Senator will yield again, if it does not make any difference to the Senator in terms of his position I do not see why it is necessary to wait.

Mr. DODD. Let me ask my colleague this. If this administration opposed the amendment, would my friend from Indiana then vote against his own amendment?

Mr. COATS. I plan to support the resolution that is offered because I think it is the piece of information that the President of the United States needs, that strengthens and shows where the sense of the Senate is on this question.

Mr. DODD. I respect that. If he has the same view I do—but we ought to know, in our view. We ought to know. Even though he would still support his amendment, even if the administration opposed it—I would certainly oppose the resolution even if the administration supported it—I think we both owe an obligation to our colleagues to let this body know what the administration's view is on an important foreign policy matter. That, it seems to me, is a simple request on something this important. Does Jim Baker support this amendment? Does George Bush? Yes or no.

If that is not, on a foreign policy matter this important, a simple request for 5 minutes to make a phone call to find out?

Mr. RUDMAN. Would the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. RUDMAN. May I take a moment here acting in behalf of Senator HATFIELD, who is, of course, the manager? I just want to set the record straight because I think everyone has stated the facts very accurately as they understand them.

We have checked with the gentleman just named by my friend from Connecticut, and that is the view he expressed. I can further represent to you that we have checked with the top ranking people in the Department at this time who are in this country and that does not necessarily represent the official opinion of the Department. That is very plain.

The Secretary of State is obviously in Europe. The President is in Europe. This gentleman gave his view. It may be eventually the opinion of the Department, but I can say without any fear of rebuttal from the Department that as of this moment they are not willing to have that represented as their view.

Now, as far as making a phone call, it is not going to work. We have tried that. The people who are in a position to give the judgment that the Senator from Connecticut would like to get are not available to give that judgment in the next 5 or 10 minutes. The President obviously has other things on his mind this morning other than this amendment. He is either in London or en route home. That goes for the Secretary of State and all the national security people.

Let us just keep the record straight that what the Senator from Connecticut just represented on the floor as an opinion from someone in the State Department was exactly that and the Senator represented it very accurately. That is precisely what he said.

Mr. DODD. He said: I am speaking for the State Department.

Mr. RUDMAN. Well, that gentleman probably is going to find himself having a little lecture in the next day or two. I am sure he said that. I can represent to you that people who are superior to him in the Department have just advised us that that is not the official opinion of the State Department as of this time. I am not involved in this fight. I am just trying to get information for you.

Mr. DODD. May I ask my colleague who they are?

Mr. RUDMAN. Certainly, I will get the name of the gentleman who, at the Department, staff has just been talking to, and I will give that to the Senator momentarily.

Mr. BYRD. Will the Senator yield to me?

Mr. DODD. I will be glad to yield.

Mr. BYRD. I wonder if the Senators would be willing to set this amendment aside temporarily, until this thorny question can be resolved as to where the administration stands on the matter. That will undoubtedly affect some votes in this Chamber. So, if we can do that, the Senate could at least be moving forward. I understand Mr. HELMS has an amendment. If we could set this amendment aside, call up Mr. HELMS' amendment? I thank the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut still has the floor.

Mr. LEAHY. Would the Senator from Connecticut yield to me for just 1 minute to add—will the Senator from New Hampshire yield for a question?

Mr. HELMS. Will the Senator yield for a question? I have been waiting for a long time to have a word on this.

Mr. LEAHY. I would ask the distinguished Senator from Connecticut this question. Is it also his understanding in his conversations with me that I was told specifically this morning that, coming from the Assistant Secretary, Mr. Kozak—Acting Assistant Secretary—that it was the administration's position that they opposed this amendment or sense-of-the-Senate resolution?

Mr. DODD. In response to my colleague from Vermont, I would say his characterization is correct. The acting Assistant Secretary of State for Inter-American Affairs, Mr. Kozak, and the

designee, Mr. Aronson—and those are the highest ranking people within that section of the State Department—have declared that they are in opposition to this.

I realize the Secretary of State is not available and the President is not available. But in the absence of those two individuals, the natural place one goes to inquire as to the position on an amendment is the Assistant Secretary. They are the Acting Assistant Secretary and the Assistant Secretary designee who have said: We are flatly opposed to this resolution.

As I say, we are getting and sending different signals. I think the suggestion of the chairman of the Appropriations Committee, the President pro tempore of the Senate, is a worthwhile one and I certainly would prefer we do it that way. It seems to me it makes more sense for us to move along those lines to get a clarification if there is some confusion, which there certainly is.

Mr. COATS. Will the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. COATS. It appears as if my colleague has a pretty good indication of what the administration position is, at least in accordance with those you have talked to.

The PRESIDING OFFICER. The Chair reminds the Senator permission here is to yield for a question, not for continued debate.

Mr. COATS. My question is this: Is this not a sense-of-the-Senate resolution which perhaps expresses simply the Senate's position on this issue, not necessarily the administration's? Is it necessary to ring up the President of the United States in London, or Secretary Baker in Europe, on something that is as inconsequential as a sense-of-the-Senate resolution in terms of its effect on the treaty or U.S. statute?

I do not know that it is a matter of such importance that we need their assurance of support or opposition to go ahead with the vote. If the Senator feels he has some indication back from the State Department and we have had different indication here, I think we have enough information on which to base a judgment to go ahead with the vote.

Mr. DODD. Let me go a step further. We are getting bulletins here as we speak. Peter Madigan, who is the Deputy to Janet Mullins who is the Assistant Secretary for Congressional Affairs at the Department of State, informs us that they are speaking for the Secretary of State. I have been in touch. This resolution would be a disaster. That is the administration's view. That is the word we are getting here in the last couple of minutes.

Mr. SIMON. Will the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. RUDMAN. Will the Senator yield. Just for an answer to his question? I inform the Senator from Connecticut that I am just handling information here; just handling information.

Mr. DODD. That is all I am doing.

Mr. RUDMAN. I am just a courier. So we understand, we have finally got this straightened out.

The Senator from Connecticut made a statement a few moments ago quoting Michael Kozak, of the State Department. Is that correct?

Mr. LEAHY. I did.

Mr. RUDMAN. The Senator from Vermont. The State Department informed us that Mr. Kozak's statement is correct and evidently represents the position of the Department.

Mr. DODD. I yield to my colleague from Illinois.

Mr. SIMON. There are two questions. One is: Does the administration oppose or support this amendment? There is an even more fundamental question—and I ask my colleague from Connecticut this—and that is: Does this amendment help or hurt Noriega?

I ask my colleague, which I think we may think this is a trifling amendment that we are going to make a few votes on in Indiana, Illinois or Connecticut, but this has an impact in Panama, I ask my colleague who chairs the subcommittee what would be the impact of this in Panama?

Mr. DODD. Let me put it in terms people might understand. If General Noriega were Br'er Rabbit and this amendment is a briar patch, he is going to love to be thrown into it. This is the moment he has been waiting for. If you want to help General Noriega, if you want to fracture the opposition inside Panama, then this is the amendment to support.

Those who support this amendment will do more to help General Noriega than any other single thing that has occurred in the last several months in Panama. That is the effect of this amendment. Casting a vote for this helps General Noriega immeasurably.

That is not the conclusion of this Senator alone. It is the conclusion of the opposition, the Catholic Church, our military people, the State Department, the President of the United States, anyone who has focused attention on this. This amendment helps him. If you want to help General Noriega, vote for this amendment and then remember what we have done.

Mr. SIMON. I would just say my own impression is precisely that. I commend my colleague from Connecticut for standing out.

Mr. LEAHY. Will the Senator from Connecticut yield?

Mr. DODD. I will be glad to yield.

Mr. LEAHY. I want to say as the person who started this whole issue of opposition here, one, I want to thank the Senator from Connecticut in joining in on this but I also——

The PRESIDING OFFICER. The Chair must remind again permission to be granted to yield is for questions, not for continued debate.

Mr. LEAHY. The Senator from Connecticut yielded the floor to me.

Mr. DODD. I cannot yield the floor. I do not have that power. I yield for a question and then I am going to yield to my colleague from North Carolina who has been patiently sitting over there.

Mr. LEAHY. Then, Mr. President, I would state as a question: Does the Senator from New Hampshire understand how much I appreciate the fact he has come here and stated on behalf of the administration that the earlier statement I made about an hour ago that they had told me they opposed it and wanted me to come out here and oppose this thing in my capacity as chairman was correct and I only ask, Mr. President, do they understand how much I appreciate my two good friends?

Mr. RUDMAN. Will the Sentor allow me to answer the question of the Senator from Vermont? I simply answer by saying yes, I do, and this is probably the last time I will manage this bill temporarily.

Mr. DODD. I thank my colleague from Vermont for his kind remarks. I do appreciate his comments. I know the Senator from Indiana asked me to yield for 1 minute. Then I yield the floor.

Mr. COATS. Mr. President, I had indicated to the Senator from Connecticut that I believe I will have in my hands very shortly the official State Department position on this issue so that we can announce it to the Senators and put to rest the matter of the opposition and get on with the vote on the issue, but we are verifying the latest message that we have from the State Department so we make absolutely sure we do not portray it in a way they do not want it portrayed. I want to indicate that. I do not have it exactly in my hand.

Mr. DODD. I am confident our colleague from North Carolina will yield to the Senator from Indiana for that purpose before we get to the vote. Let me yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair. Mr. President, I do not intend to speak more than 5 minutes, and I would appreciate the Chair's indicating when 5 minutes have elapsed.

I do not understand the rhetoric I've heard for the past hour—yet I do understand it because I harken back to a decade ago when all sorts of flat guarantees and assurances were made in connection with the horrendous mistake in giving away our Panama Canal.

Over and over we heard the same sort of reasoning—if we will just give away the canal there will be peace and

harmony in abundance in Central America, and everybody will love us. Well, what is the situation? Who loves us?

There were some of us a decade ago who were warning about a man named Torrejos a decade ago—and a man named Noriega who was at his side. But we were pushed aside by the major liberal newspaper media of this country and by politicians who were determined to give away the Panama Canal.

I remember the morning that I went down to the White House to meet with President Carter. I was representing three other Senators: The late Senator McClellan of Arkansas, the late Jim Allen of Alabama, Senator Harry F. Byrd, Jr., of Virginia, and myself.

The four of us had prepared and signed a letter to the President. It was, in fact, a cover letter to a statement by four former distinguished chairmen of the Joint Chiefs of Staff who pleaded with President Carter not to proceed with the giveaway of the Panama Canal.

I delivered that personally to the President and informed him that I was authorized by the other three Senators to assure the President, Mr. Carter, that if he would get off this kick of giving away the Panama Canal that the four of us would lead an effort in the Senate to provide for an enormous expansion and improvement project in Panama to enlarge the canal's locks so that larger ships could be accommodated. At that time, we had indications from many people in Panama that that is what they really wanted because that would provide jobs.

But, no, then came the debate on the treaties in this Chamber. There were pious pretenses, time and time again, that everything was going to be splendid; that we would buy friends in Central America. Well, I want to know where those friends are. What did we get? We got Noriega.

So I am fascinated with the discussion here this morning. There has been a great pretense of concern about how the administration feels about Senator COATS' amendment. I must confess that I was not aware that certain Senators cared how the administration feels, because I have watched over the months and years as all sorts of inhibiting measures have been passed by this body, as well as the House of Representatives, to cripple the Central American policy of the then-President of the United States, which I presume is still the foreign policy of this President of the United States regarding the Communist government in Nicaragua.

I am amazed that anybody pretends to know what Mr. Noriega is going to do, particularly when there are so many thousands of people in Panama ready to go in the streets and fight for freedom from Noriega.

No, Mr. President, the real mistake was made when we did not give more help to those brave people who took the risk and protested in the streets to object to Noriega. With a little bit more influence and encouragement and support from the United States, they will come out again and they will get rid of Mr. Noriega. But we must demonstrate that they will have our support, and the Coats amendment will give the Panamanian people that assurance.

I find myself wondering what Teddy Roosevelt would think were he to come back today and see how pusillanimous we are in the Congress of the United States about dealing with thugs like Noriega. There are some in this country who are afraid to confront Noriega, but I feel we ought to do whatever is necessary to get that thug out of office and off the backs of the people of Panama.

Mr. President, we should vote on this issue. As far as what somebody in the State Department—I am not sure Senator DODD did not call Joe's Pizza Parlor by mistake. There has been a great deal of confusion at the State Department in years past when various bureacrats have made unauthorized statements. I have had Secretaries of State tell me, "Jesse, I did not know they were taking that position." If I hear it from Jim Baker, I will believe it.

Regardless of that, the Senator from Indiana is correct, this is simply an expression of the Senate as to what we feel should be done.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might interject in this debate to inquire of the managers of the bill, is it an appropriate time that would accommodate the managers when myself and the distinguished Senators REID and LIEBERMAN might bring to the attention of the managers and the Senate as a whole our intention to offer at some point today an amendment relating to a chemical or substance known as Alar?

This particular substance has been used on apples and other food products for some time and now there is a growing but not conclusive body of evidence that it would be harmful to the health of the consumer, particularly young children.

Now, as I speak, the Environmental Protection Agency and representatives of the manufacturer of this substance are negotiating. The industry, which has taken a tremendous financial loss as a consequence of recent publicity, publicity which in my judgment has not fairly portrayed the problem, is anxious for the manufacturer to take the initiative to withdraw this product from the market and thereby obviate the necessity for the Congress, hopefully pursuant to this bill, to step in and circumvent the regulatory process.

This Senator does not like, nor have I in the 11 years I have been privileged to serve in this body tried, to circumvent the regulatory process. But in hearings held by the distinguished Senator from Connecticut and the distinguished Senator from Nevada, on which I am privileged to serve, the Environment and Public Works Committee has received testimony to the effect that somebody has to act and act promptly.

The problem is there are deficiencies in the judgment of the EPA and Members of this body in the act which governs, namely FIFRA. At some point in time I anticipate the Committee on Environment and Public Works will recommend to the Senate certain corrective action. Senator REID will address that point at some time. We are anxious to discuss this amendment today. Hopefully there will be concluded an agreement by EPA and the manufacturer which will obviate the necessity to bring up this amendment.

Mr. COCHRAN. Mr. President, we hoped that we could go on and get a vote or dispose of the amendment of the Senator from Indiana and then later on, although there is no order for amendments, the Senator would have an opportunity to bring that to the attention of the Senate. But I would hope at this point we could proceed to dispose of the amendment of the distinguished Senator from Indiana.

Mr. WARNER. Mr. President, if I might say, I have observed this debate for some period and I heard the distinguished leader from West Virginia indicate that perhaps he wished to set it aside until there was some conclusive, more conclusive representation about the administration's position. So I just merely asked the Chair to allow me to address the managers. My colleagues associated with me on this piece of legislation, namely Messrs. REID and LIEBERMAN, CHAFEE and RIEGLE, are quite anxious to cooperate. So if we could receive some direction, we are prepared to follow it.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his consideration. It is characteristic of him. It is my understanding now that Mr. COATS may have a response from the administration. And if he does, perhaps we could dispose of this amend-

ment one way or the other without further debate.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. COATS. Mr. President, we now do have the response from the administration. It is being typed at this very moment. I expect to have it in my hands within a minute or two.

In the meantime, let me just simply recap for Senators where we are. I want to repeat that this is a sense-of-the-Senate resolution before us, which expresses how we as Senators, this body, feel about this particular issue, not necessarily the administration. It is our position on the issue, and in our role of advise and consent I think it is important that we let the administration know what the consent of the Senate would be on such an issue which certainly will be coming before us in the next few months.

Second, I wish to point out that we in no way by this action abrogate the Panama Canal Treaty, nor do we change the statute. I have introduced legislation which would do that. That has been referred to committee. It may or may not be heard in committee, it may or may not come before this body.

This is simply, as the distinguished minority leader said, a yellow caution light to the present regime, unelected regime in Panama, that the U.S. Senate expresses its sense that it will not advise and consent to the appointment by the current unelected government of a new Panama Canal administrator.

Obviously, we have disagreement on this floor as to what the impact on General Noriega would be. The Senator from Vermont and the Senator from Connecticut seem to think that this would strengthen General Noriega's hand. That is their view and they have expressed it eloquently and articulately. On the other hand, I feel just the opposite, and a number of others in this body agree with me, that it is important we send a strengthening signal from the American people, expressed through their representatives in this body to the President of the United States, to the members of the Organization of American States, to the Panamanian people, and most importantly to General Noriega that the Senate will not grant consent to the appointment, by General Noriega or any other undemocratically elected government, of someone who will operate and administer the Panama Canal. I think it is clear that when the Senate ratified the treaty in the late seventies, it was with the full understanding that there would be a cooperative effort engaged in between constitutionally elected governments in the United States and Panama. That situation has clearly changed. That situation now is one that I believe is intolerable to the American people. It is important for the Senate to express its sense that we will not accept a Noriega-appointed administrator of the Panama Canal. That is the purpose for this sense-of-the-Senate resolution, and I think it is important that we send that message.

We still understand that the official position, the latest message from the State Department as to the position of the State Department on this particular issue is being prepared. My understanding is that the language is agreed on. It is in the hands of staff and only because they were convinced that I could not read their handwriting are we waiting for it to be put into more legible form.

Mr. President, while the administration's position is important on this issue, it appears to be one that is evolving.

We made attempts to submit the language. Perhaps we should have made more direct attempts to put it in their hands. On the other hand, this Senator did not believe that a mere sense-of-the-Senate resolution would require the attention of the Secretary of State and the President of the United States.

If it in fact does that, then of course we want that to take place. But Senators need to know, and be aware that we are today not changing the treaty. We are not abrogating the treaty in any way. We are not changing the United States law. We are simply expressing what our consent and advice to the President would be if a new Panama Canal administrator is appointed by General Noriega, someone who is not acceptable to this administration, someone who is not acceptable to the American people and most important, someone who is not acceptable to the Panamanian people as expressed in their most vivid demonstration of a quest for a democratically elected government that took place just a few weeks ago, and was observed by Members of this body and other representatives of the President of the United States.

I would like to reread the exact language of this resolution so that there is no misunderstanding as to the import of what we are doing.

It is the sense of the Senate regarding the appointment of the new administrator of the Panama Canal Commission that the President should not appoint a new administrator of the Panama Canal Commission unless and until he, the President, certifies to Congress that the ruling Government of Panama is democratically elected according to the procedures specified in the constitution of Panama, providing for a civilian government in control of all Panamanian military and paramilitary forces.

We are attempting here to express that this body wishes to abide by the constitution of Panama which does in fact provide for a civilian government in control of military forces.

We are expressing that the ruling Government of Panama ought to be a duly elected, democratically elected government.

I now have just been handed the appropriate language. With this I trust that we can clarify the position of the administration and move to a vote on the matter. I will read this language provided by Mr. Kozak, acting assistant Secretary for Latin America.

The administration believes it unwise to send any signal now that would raise questions concerning U.S. compliance with its treaty obligations, but recognizes the right of the Senate—in a non-binding resolution such as the Coats resolution—to express its own views on U.S. policy in Panama.

That is a statement which I suggest we probably could have expected from the State Department that is expert in diplomatically negotiating proper language.

So I am not sure how other Senators read this language, but I think it is clear that the administration recognizes our right to express our views on what the policy should be in Panama. That is the constitutionally guaranteed right of this body.

Mr. DURENBERGER. Mr. President, will my colleague yield?

Mr. COATS. I am happy to yield for a question.

Mr. DURENBERGER. I have not been privy to all of the discussion that has taken place here on this amendment, but I rise simply because my distinguished colleague from Indiana was not able to be on the floor of the Senate here almost 2 years ago to this date in which a similar message found its way up here from the then Department of State with a similar vagueness to it, and while some of the people who have spoken today on both sides of this issue were trying to get a first ever resolution through this body in favor of democracy, not against Noriega, not against or for Panama Canal treaties, but in favor of democracy in Panama through the floor of this body, questions were being raised about was this the time, was this the place, was that the appropriateness coming from the Department of State.

I want my colleague from Indiana to know, No. 1, that as the lead sponsor of that 2-year-old resolution I will do whatever I can to persuade my colleagues that the resolution he puts before us may have value as a sense-of-the-Senate resolution at some time, but that I feel very, very strongly this is the inappropriate time to do it.

My question of my colleague from Indiana is if we all have the same concerns, which is democracy thwarted in Panama, does my colleague have some special reason to believe that this reso-

lution at this particular point in time is going to move the cause of democracy in Panama beyond where it is in its sort of frustrated state today?

Mr. COATS. Of course, I have no way of knowing exactly what the impact would be. But certainly the resolution if adopted would show solidarity to the Panamanian people in terms of their expression for democracy which was so vividly portrayed to us by television just a few weeks ago. They overwhelmingly took to the streets under the threat of coercion, intimidation, and perhaps even death to express that they had no tolerance for their current leadership and wanted a different ruling body governing their transactions. I think that this, while not perhaps intended to or even drafted to necessarily state the extent to which it stands behind the democratic forces of Panama, perhaps could send that message. I think it would be a very good message to send.

Mr. DURENBERGER. Will my colleague yield further?

I have learned from a relatively brief experience with this issue which probably goes back a few years—but it also includes a visit that I made to Panama in the beginning of February of this year when I met with Guillermo Endera, who has now been elected President, with Mr. Calderon and Mr. Ford, who were the other candidates—something that I thought I knew before I went, and that is Panamanians believe in Panama first. And, yes, they have a special affection for democracy because they have had some experience with it in the past. But they are Panamanians first. The issue that traditionally confuses a Panamanian democrat, with a small "d," about the United States' interest in Panamanian version of democracy is the Panama Canal.

So, without wanting to raise the whole issue of where you may or may not stand on the Panama Canal, if you want the people that voted for Endera and Calderon and Ford to believe that you are on their side regardless of how I may feel about the canal, then I would suggest that the U.S. Senate express itself differently on that issue from the way in which the Senator has suggested we express it.

Mr. COATS. If the Senator will yield, I will argue with the Senator that, or at least make the point with the Senator, obviously we can take two different points of view on this very issue. But I suggest this would strengthen the belief on the part of the Panamanian people that the United States wants to support a Panamanian-appointed, United States-confirmed administrator of the canal.

The United States confirmed the canal. We should go forward with that. This is part of the treaty. That issue has been decided. But to avoid an almost certain confrontation on this floor, that would reject a Panamanian-appointed administrator, I think it is important that we express our belief that we want that administrator, someone appointed by their elected leader who we can embrace as support of that.

I cannot imagine the American people accepting a situation where Noriega, who has been rejected by the world community, and particularly by the Panamanian people, is putting forward a new administrator and then asking the U.S. Senate to embrace that or the President of the United States to embrace that.

I see us reaching an impasse. I think the Senator from Connecticut is correct when he said the President would not send that name down here. Of course, he would not, because he knows we would not accept it. It would not be good judgment to do so.

We would be at an impasse, because no one Noriega suggested to administer the canal would be acceptable to the President or the U.S. Senate and, therefore, the message we would be sending to the Panamanian people is the opposite to what the Senator wants to send.

The United States will not accept it and may abrogate the treaty. There may be legislation on this floor, not just my own, but others, to tear that treaty apart. That, I agree, could damage our relations with our Latin neighbors. This is, as the distinguished minority leader said, a blinking caution, yellow light, saying we stand with the Panamanian people. We want to move forward with the treaty, and we want to support and give our advice and consent to the name nominated by your democratically elected leader, and absent that, you need to know that we stand with you against the current regime, which oppresses you by violence and by terror and by intimidation, and that we are standing shoulder to shoulder with you.

I cannot imagine that we would not want to send that message. I understand that different people come to different conclusions.

Mr. BYRD. Will the Senator yield for a question?

Mr. COATS. Yes.

Mr. BYRD. We have been on this amendment, including the amendment which the distinguished Senator first offered, 1 hour and 45 minutes. He offered his first amendment at 25 minutes until 12. We have had a great deal of debate on it. I hesitated to move to table, and I found the debate very interesting, but I think that the construction of time is fast running against us. The majority leader hopes to finish this bill today by 4:30.

In the first place this amendment has no business on this supplemental appropriation. In the second place, this is a dire emergency appropriation bill, and it has money in it for VA medical services. It has money in it for various other VA programs. I hope that we can vote on this amendment up or down now, so that we can get on with some of the other amendments. Is the Senator willing to end the debate now and vote?

Mr. COATS. Mr. President, I most certainly am. I want the Senators to know that I had earlier agreed to a proposed unanimous-consent request to limit debate on this amendment to 20 minutes, 10 minutes on each side, and it was the interest of other Senators in the Chamber to debate this at greater length. This Senator has been prepared to go to a vote on the issue 20 minutes previous to when he first proposed his amendment. I am certainly willing to do that now.

Mr. BYRD. Will the Senator yield?

Mr. COATS. I will be happy to.

Mr. BYRD. The distinguished Senator is correct. He was willing to enter into that amendment. I think he has been very considerate, and he is willing to vote now. I hope that the Senate will vote down the amendment, in all due respect to the distinguished Senator, who has been very fair and very considerate and very understanding. The administration has indicated that it thinks that the amendment would be unwise.

I hope that Members from both sides of the aisle will vote the amendment down. I am most interested in getting this bill to conference with as few amendments and as little excess baggage as possible, because we are going to have a difficult time in conference without these additional amendments there.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I understand the yeas and nays have been ordered.

The PRESIDING OFFICER. That is correct.

Mr. COATS. This Senator is prepared to proceed to a vote.

Mr. LEVIN. Mr. President, Noriega must go. He is a corrupt gun-running, drug-dealing, money-laundering, unelected military strong man. His despicable regime has abused human rights of Panamanian citizens, and his heavy-handed corruption was laid bare to the whole world when, during the recent elections, he brutally suppressed the clear will of the Panamanian people.

Noriega must go. His continued presence is an affront to the sovereignty of Panama and government by free people. His continued military dictatorship is a threat to the security interests of the entire region.

Mr. President, Noriega must go. The question confronting us is how best to achieve this. It would be a mistake to do anything that could strengthen Noriega's hand. I have supported the

steps taken by our President, and now this administration has said this amendment would not be helpful. The President is right; this could play into Noriega's hands. We should do nothing in this situation that could strengthen Noriega or weaken the President.

Mr. President, Noriega must go. I have supported Senate resolutions denouncing Noriega's illegitimate regime, and I have supported the President in his efforts to forge a united policy to confront Noriega and his gang of thugs. This amendment is not the way to do that. I want Noriega out of Panama, not a stronger Noriega still in Panama.

The PRESIDING OFFICER. Is there further debate?

Mr. DODD. Mr. President, if not, I move to table the amendment and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay on the table the amendment of the Senator from Indiana.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Rhode Island [Mr. PELL], the Senator from Maryland [Mr. SARBANES], and the Senator from Iowa [Mr. HARKIN] are absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 31, nays 63, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—31

Adams	Fowler	Matsunaga
Bingaman	Glenn	Metzenbaum
Bumpers	Hollings	Mikulski
Burdick	Inouye	Mitchell
Byrd	Jeffords	Moynihan
Chafee	Johnston	Riegle
Cranston	Kennedy	Sanford
Danforth	Kerrey	Simon
DeConcini	Leahy	Wirth
Dodd	Levin	
Durenberger	Lieberman	

NAYS—63

Armstrong	Breaux	Daschle
Baucus	Bryan	Dixon
Bentsen	Burns	Dole
Biden	Coats	Domenici
Bond	Cochran	Exon
Boren	Cohen	Ford
Boschwitz	Conrad	Garn
Bradley	D'Amato	Gore
Gorton	Kohl	Robb
Graham	Lautenberg	Rockefeller
Gramm	Lott	Roth
Grassley	Mack	Rudman
Hatch	McCain	Sasser
Hatfield	McClure	Shelby
Heflin	McConnell	Simpson
Heinz	Nickles	Specter
Helms	Nunn	Stevens
Humphrey	Packwood	Thurmond
Kassebaum	Pressler	Wallop
Kasten	Pryor	Warner
Kerry	Reid	Wilson

NOT VOTING—6

Harkin	Murkowski	Sarbanes
Lugar	Pell	Symms

So, the motion to lay on the table the amendment No. 114 was rejected.

Mr. COATS. Mr. President, I ask unanimous consent to withdraw the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Mr. President, what was the request?

The PRESIDING OFFICER. The Senator from Indiana has requested unanimous consent to withdraw the request for a rollcall vote on the Coats amendment.

Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Indiana [Mr. COATS].

The amendment (No. 114) was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Nevada is recognized.

AMENDMENT NO. 116

(Purpose: To amend the Internal Revenue Code of 1986 to limit the ability of taxpayers to deduct the cost of cleaning up oil and hazardous substances spills)

Mr. REID. Mr. President, nearly 2 months ago, the *Exxon Valdez* spilled 10 million gallons of oil into Alaska's Prince William Sound. Today, we have not recovered from this environmental tragedy.

The prognosis for full restoration of the area and its inhabitants is poor. We will never fully recover.

Exxon's chief executive officer, Lawrence Rawl, recently downplayed the enormity of this oilspill disaster. He said there was 16 times more oil lost off the eastern coast of the United States—

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COATS. Mr. President, will the Senator yield for just a moment?

Mr. REID. I am happy to yield to the Senator from Indiana.

Mr. COATS. Mr. President, I ask unanimous consent to reconsider the vote on the previous amendment.

Mr. BYRD. Mr. President, what the Senator is asking for is he is asking unanimous consent that he may make the motion to reconsider at this time, although something else has intervened. I have no objection.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. COATS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Thank you, Mr. President.

Mr. President, Lawrence Rawl downplayed the enormity of the oilspill disaster. He said there was 16 times more oil lost off the eastern coast of the United States during World War II when our oil tankers were torpedoed.

Excuse me for being caustic, Mr. President, but I was unaware we were engaged in a war.

To my knowledge, the United States is not at war, and any comparison made about events in periods of war and those of peace are entirely inappropriate.

The events of March 24, 1989, did not involve torpedoes, but the outcome was disastrous, nonetheless. Just as peace is the opposite of war, environmental destruction is the opposite of ordinary business operations. At least, it should be.

But current tax law tells us otherwise. Section 162 of the Internal Revenue Code allows business to claim a tax deduction for cleanup expenses associated with oil spills and hazardous waste discharges. Cleanup costs are treated as, ordinary and necessary business expenses.

Exxon and other companies that regularly handle oil and hazardous waste can write off a portion of their cleanup expenses.

It seems only fair that they should earn this deduction.

I am, therefore, sending to the desk at this time an amendment to the legislation being considered. This amendment is the Oil Spill Bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 116.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

"SEC. 100. SHORT TITLE.

"This title may be cited as the "Oil Spill Bill".

"SEC. 101. DISALLOWANCE OF COSTS FOR CLEANUP OF OIL OR HAZARDOUS SUBSTANCE DISCHARGES.

"(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to de-

duction for trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) OIL AND HAZARDOUS SUBSTANCES CLEANUP COSTS.—

"(1) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any applicable oil or hazardous substances cleanup costs if—

"(A) the Secretary receives notification from the Commandant of the Coast Guard or his delegate that the taxpayer has failed to comply with section 311(c) or 311(e) of the Federal Water Pollution Control Act, or any administrative or judicial order or consent decree issued under section 311 of the Federal Water Pollution Control Act or the provisions of the National Contingency Plan for oil discharges; or

"(B) the Secretary receives notification from the Administrator of the Environmental Protection Agency or his delegate that the taxpayer has failed to comply with any administrative or judicial order or consent decree issued under section 104, 106 or 122 of the Comprehensive Environmental Response, Compensation and Liability Act, sections 3008(h) or 7003 of the Resource Conservation and Recovery Act or under applicable State statutes for hazardous substances discharges.

"(2) NEGLIGENCE.—Notwithstanding any other provision of this subsection, no deduction shall be allowed under subsection (a) for any applicable oil or hazardous substances cleanup costs where it can be shown that the oil or hazardous substance discharge was the result of willful negligence or willful misconduct.

"(3) REDUCTION OF TAX ATTRIBUTES.—The tax attributes of the taxpayer shall be reduced in the manner prescribed in section 108(b)(2) (without reference to section 108(b)(4) and 108(b)(5)) by an amount equal to the amount disallowed under paragraph (1) or (2).

"(4) ITEMIZATION OF COSTS.—The costs described in this subsection shall be separately stated in such manner as the Secretary may prescribe on a form accompanying the return of tax for the taxable year in which such costs were paid or incurred.

"(5) DEFINITIONS.—For purposes of this subsection the term—

"(A) 'applicable oil or hazardous substances cleanup costs' means any costs paid or incurred (whether or not in the taxable year in which the discharge occurs) in connection with the cleanup of any oil or hazardous substances discharged by the taxpayer.

"(B) The term 'applicable oil or hazardous substances cleanup costs' includes, but is not limited to—

"(i) any legal expenses arising directly or indirectly from a discharge of oil or hazardous substances;

"(ii) any payments or restitution to any person arising out of such discharge;

"(iii) any costs incurred to restore and replace natural resources damaged by such discharges; and

"(iv) any costs required by any applicable Federal law or regulation.

"(C) 'discharge' means—

"(i) 'discharge' as defined in section 311(a)(2) of the Federal Water Pollution Control Act; and

"(ii) 'release' as defined in 42 USCS section 9601(22).

"(D) 'oil' shall have the meaning provided in section 311(a)(1) of the Federal Water Pollution Control Act (33 USCS, Section 1321(a)(1));

"(E) 'hazardous substance' shall have the meaning provided in 42 USCS, section 9601(14).

"SEC. 102. DENIAL OF DEDUCTION FOR LOSSES RESULTING FROM CERTAIN OIL OR HAZARDOUS SUBSTANCE DISCHARGES.

"Section 165 of the Internal Revenue Code of 1986 (relating to deductions for losses) is amended by adding the following new subsection (m):

"(m) DENIAL OF DEDUCTION FOR LOSSES RESULTING FROM CERTAIN OIL OR HAZARDOUS SUBSTANCE DISCHARGES.—Nothing in subsection (a) or in any other provision of law shall be construed to provide a deduction for any loss sustained by a taxpayer if the loss is attributable to, results from, or arises in connection with, any oil or hazardous substance discharge the cleanup costs of which are disallowed as a deduction under section 162(m).

"SEC. 103. LIMITATIONS ON DEFICIENCIES AND CREDITS ARISING FROM CLEANUP CERTIFICATION.

"(a) IN GENERAL.—Section 6501 of the Internal Revenue Code of 1986, is amended by redesignating subsection (o) as subsection (n) and inserting after subsection (n) the following new subsection—

"(o) SPECIAL RULE FOR CLEANUP CERTIFICATION.—In the case of any deduction disallowed under Section 162(m), if the Secretary receives the notification described in Section 162(m)(1)(A) or 162(m)(1)(B), the period for assessing any deficiency attributable to the receipt of such notification shall not expire before the date which is 1 year after the date on which such certificate is issued.

"(b) IN GENERAL.—Section 6511 of the Internal Revenue Code of 1986 is amended by redesignating subsection (h) as (i) and inserting after subsection (g) the following new subsection—

"(h) SPECIAL RULE FOR CLEANUP CERTIFICATION.—In the case of any deduction disallowed under section 162(m), if the Secretary receives the notification described in section 162(m)(1)(A) or 162(m)(1)(B), the period for filing a claim for credit or refund attributable to receipt of such notification shall not expire before the date which is 1 year after the date on which such certificate is issued.

"SEC. 104. DISTRIBUTION OF LOST DEDUCTION TO EXISTING TRUST FUNDS.

"(a) IN GENERAL.—There is established in the Treasury of the United States an account, consisting of such amounts as may be appropriated to the account as provided in subsection (b).

"(b) TRANSFER TO ACCOUNT.—There is hereby appropriated to the account for each fiscal year an amount equal to the amount which the Secretary or his delegate determines to be the increase in revenues for such fiscal year by reason of the amendments made by section 101. The amounts appropriated by the preceding sentence shall be transferred to the account from the general fund of the Treasury in the manner provided under section 9601 of the Internal Revenue Code of 1986.

"(c) EXPENDITURES FROM ACCOUNT.—Amounts in the account established under subsection (a) shall be available, as provided in appropriation Acts, only—

"(1) in the case of amounts attributable to any oil discharge, for making expenditures for the purposes described in section 311(k) of the Federal Water Pollution Control Act (33 USC, section 1321(k)), or

"(2) in the case of any other amounts, for transfer to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Act of 1986.

"SEC. 105. EFFECTIVE DATE.

"The provisions of this Act are effective for all discharges occurring after March 23, 1989, in taxable years ending after such date.

"SEC. 106. STUDY AND REPORT.

"(a) STUDY OF REVENUE LOSS.—Not later than six months after the date of enactment of this Act, the Secretary or his delegate shall submit to the House Committee on Ways and Means and the Senate Committee on Finance an estimate of the decrease of Federal revenues during the period beginning January 1, 1970, and ending December 31, 1983, by reason of the allowance of applicable cleanup costs (within the meaning of section 162(m) of the Internal Revenue Code of 1986).

"(b) ANNUAL REPORT TO CONGRESS.—The Secretary or his delegate shall make an annual report to the House Committee on Ways and Means and the Senate Committee on Finance detailing the amount expended on environmental clean-up costs and the amount accruing to the Treasury under section 162(m) of the Internal Revenue Code of 1986.

"(c) EFFECTIVE DATE.—The first report required by subsection (b) shall be submitted 12 months after the study in subsection (a) is submitted to Congress."

Mr. REID. Mr. President, this amendment will alter the Tax Code to provide companies with an incentive to perform responsible, effective cleanup operations. Specifically, the amendment tells the Internal Revenue Service to keep companies from getting the tax deduction for cleanup expenses if their cleanup operation does not meet federally established standards.

In the event of a disaster involving oil or hazardous substances, a company's cleanup effort would require certification by the Federal Government, before the cost of that cleanup could be accepted as a tax-deductible cost of doing business.

This is a reasonable enough request. I am frankly surprised that such a provision does not already exist. This amendment will make companies accountable for risk and crisis management plans. When Exxon CEO Rawls was asked if the company had plans to deal with the Valdez disaster, he skirted the question, responding that the consortium of oil companies operating the Alaskan pipeline was not equipped to handle such an incident.

Maybe the consortium was not equipped or prepared to cope with the enormity of the situation—but what about Exxon? Why did they not have their own plan? If they were going to depend on a consortium to handle disasters, why did they not work with the other member companies to develop a plan for crisis response? My bill will give companies the bottom line incentive that will elicit the responsiveness we so desperately need to clean up oil and hazardous waste spills. If the companies do not comply with federally certified cleanup standards, they will

lose their tax deduction for cleanup expenses. The resulting revenues accruing to the Treasury will be dedicated to the Clean Water Act fund in the case of oilspills and to the Superfund in the case of hazardous substance spills.

These funds can at least begin to undo some of the damage that is wrought upon our environment.

And the damage, Mr. President, is substantial. The Valdez oilspill has resulted in the destruction of both wildlife and the local economy. The death toll, to date, numbers close to 25,000 birds and over 400 sea otters. The economic toll includes the closing of commercial fisheries and irreparable damage to the rich salmon and seafood resources which provide the sustenance and livelihood for the area's population.

The inevitable dropoff in tourism will also impact the area's well-being. And these are only the short-term consequences of the oilspill. The long-term damage is difficult to predict, although it will be immense. We can only wait and see just how bad it will be. In the meantime, we must take the initiative to ensure that, if such a disaster occurs agian, the cleanup will be immediate and comprehensive.

We should never again witness the movement of oil over 1,000 miles from a spill site, within 1 week of such an accident.

One thousand miles—that's the equivalent of the distance from Cape Cod to the Chesapeake Bay on the east coast. On the west coast, 1,000 miles would span the entire California coastline. Can you imagine if this entire coast were covered with oil within a 1-week period?

The fiasco surrounding the Alaska oilspill cleanup only accentuates the abysmal record that the United States is building—a record of inaction and neglect toward the environment.

The most recent example is our unwillingness to confront the severity of the global warming threat, and our insistent opposition to an international convention on global warming that is supported by 22 nations, including the major Western economic powers.

That opposition may be lessening, after the administration was recently the target of outrage. But the principle of ignoring our greatest environmental threats remains constant.

While we shirk our responsibilities toward the environment, the problems worsen. We are setting the stage for disaster.

The quality and quantity of our water is rapidly diminishing. We are told that it is dangerous to drink water from fountains or from the tap. We are told not to eat a variety of food products lest they be saturated with pesticides. Our lakes and rivers are drying up or turning putrid. Even the quality of air inside our buildings is making us sick.

The oilspill bill will prevent further destruction of the environment by making companies accountable.

No one punished by this provision unless they do not properly clean up or it can be shown that the spill was caused by negligence.

The bill prompts companies to act, ensuring that there will be no more delays and excuses in cleanup operations.

We must do something to drive home the point that companies are responsible for their actions.

While Exxon plans to write off cleanup costs, which now hover in the hundreds of millions, they are raising the price at the gas pumps.

For every increase in price on a gallon of gas of just one penny, the oil industry makes $2.94 million a day.

Since the oilspill, the national average increase in gas prices has been 15 cents. And this is just the average.

On the west coast, gasoline prices have increased as much as 40 cents a gallon.

A little math shows the additional money accruing to the industry from the gas price increase since the spill is nearly $2 billion.

The lion's share of this increase will be reaped by Exxon, the world's largest oil company—the company responsible for the spill.

With this kind of of profit, it is inexcusable that Exxon should be able to pass on the costs of their cleanup to the American taxpayer. We should not just give companies tax deductions for cleanup operations. They should earn them.

We cannot accept the status quo, which gives companies a break, regardless of how efficiently and effectively they clean up accidents involving oil or hazardous substances.

The other morning, I heard on the radio that Coast Guard members stationed in Alaska were frustrated. They said that Exxon is sending more public relations people than workers into Alaska.

If Exxon sent people to scrub the shores instead of the company's image, maybe the cleanup would be more successful.

A change in the requirement for a tax deduction, as provided in my bill, makes it clear that a fine-tuned, well-executed cleanup operation is more important than any image-building.

Given all the problems that beset Exxon, and the company's admitted lack of a plan to deal with such a disastrous oilspill, Exxon CEO Rawls was recently asked what advice he would give other CEO's facing a crisis of similar magnitude. His response: "Have a public affairs plan." My amendment would perhaps cause Mr. Rawls to change his response, telling other corporate executives that a crisis management plan—not a public relations plan—should be the top priority.

Exxon recently conducted its annual shareholder meeting in New Jersey. Scores of people protested Exxon's performance and responsiveness regarding the Alaska oilspill.

The need for corporate accountability is great. Approaching that need through an earned tax deduction is the responsible approach.

Unlike some bills offered in the House, this bill does not take away the deduction. It merely requires that cleaning up be done to meet specified standards. If those standards are met, the deduction is earned. That is a fair tradeoff.

It puts the burden on companies to be responsible, while recognizing that accidents can happen and we are willing to give companies a tax break in the face of such disasters.

My amendment acts as a two-edged incentive to companies. On the one hand, companies will want to retain their deduction and perform a credible cleanup that meets the Federal standards established by the Clean Water Act and Superfund.

On the other hand, since there exists the possibility that the deduction for cleanup expenses will be lost, companies will take enhanced precautions to ensure spills will not occur.

Any costs associated with preventive measures are now, and will remain, deductible. This amendment, if enacted into law, will promote effective cleanup operations and enhance efforts to prevent spills from ever occurring.

Although the Valdez catastrophe was a catalyst for this amendment, the measure is not directed specifically at Exxon.

This amendment is long overdue, as hazardous substance and oilspills have become more and more common. How many times have we heard, in recent years, of area highways being closed down and residents evacuated due to spills of hazardous and toxic substances?

These highway incidents are less serious than the large-scale disastrous spills, but carelessness has no bounds.

What happens on our highways can just as easily happen in our factories and on our ocean tankers. This amendment addresses all companies involved in the production and transport of oil and hazardous substances.

Mine is a bill that is fair to business, fair to the American taxpayer, and fair to future generations who would like to benefit from the riches of the environment as we do now.

I encourage my colleagues to join me in supporting this common sense approach.

According to the Constitution, all revenue bills must start in the House of Representatives.

But if we accept this amendment here today, we will send a strong signal to the other body that the Senate wants this amendment included in tax legislation and approved this year.

The amendment has a companion in the House, so the prospects of passage are greater. The companion bill, H.R. 1635, sponsored by Congressman WILLIAM LIPINSKI, currently has over 50 cosponsors—a number that grows larger every day.

I doubt that there are many of us who have not heard from our constituents about the oilspill.

Piles of letters and cut-up Exxon credit cards have reached our offices. Our constituents are distressed at the incident, and frustrated at Exxon's inadequate cleanup efforts.

We need to send a message to our constituents that we will change the law to make companies accountable for their actions—or lack thereof.

We need to let companies know that tax deductions for cleanup operations go beyond the ordinary and necessary costs of doing business.

Disaster such as oilspills are extraordinary and unnecessary, and the tax law should be changed to reflect this reality.

I urge my colleagues to support this amendment.

Mr. BYRD. I thank the distinguished Senator for his statement. I know of his strong interest in this matter. He has spoken to me a number of times about it.

Would he be agreeable to a time limitation on this colloquy?

Mr. REID. Yes. Mr. President, I have, at the request of the majority leader, talked to those who wish to speak on the bill. Senator KOHL has asked for 3 minutes, Senator METZENBAUM 10 minutes, Senator LIEBERMAN 5 minutes, Senator STEVENS as much time as he desires.

Does Senator STEVENS, have an indication of how long he wishes to speak?

Mr. STEVENS. Mr. President, I will be happy to limit my time to whatever the Senator from West Virginia wishes; 5 minutes at the most.

Mr. REID. That is 3, 5, 10, 5. I will need a little bit of time to wrap it up. I yield the floor.

The PRESIDING OFFICER. If there is no objection, that will be the time agreement, then.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, this is a bill that Senator REID introduced. I was pleased to cosponsor it. My only regret is I did not think of it myself.

I agree with him. I wonder why we allow deductions in instances such as this where performance ought to be the standard rather than just a concept of ordinary expenses. These are necessary expenses and the necessary expenses ought to be judged by the outcome of the expenditures.

We do have a President's representative in Alaska, the Coast Guard acting under the direction of the Secretary of Transportation. I believe the Federal officials are being evenhanded. We sometimes wish they had more money of their own to deal with so that they did not have to wait for the decisions from Exxon as to how to proceed. We are still trying to remedy that. I think future law ought to provide access of the Federal coordinator or the President's representative to Federal funds which would have to be paid back by the party at fault.

But, in any event, Mr. President, the statement made by the Senator from Nevada concerning the standards that ought to be applied to a cleanup of this type prior to the taxpayers assuming any portion of the cost of the cleanup I think is correct. My only regret is that this probably is not the proper bill to offer it to. I leave that to the Senator from Nevada's discretion, but I assume he will take appropriate action so that the matter will come up at a proper time so we can get action on it.

The Senate will hear a lot of the aftermath of the Valdez oil spill this year. I want the Senator to know that those of us who represent Alaska welcome that attention. We do believe that there is a great deal that can be learned from that aftermath. To us, they have been painful lessons, Mr. President. We would like to be able to participate in any action that might prevent others from having to go through the same turmoil.

I do not mean to take much time of the Senate but I have said before, seeing oil of this magnitude enter areas in which I personally have enjoyed my recreation over a period of well over three decades was a traumatic experience. It has been a traumatic experience for many of my friends who were in great fear of their future livelihood; their ability to conduct their fishing business or to conduct their tourist business. Or just to be able to go, as I have done, to Prince William Sound and enjoy the beautiful scenery and the opportunity to be in the water.

This area, Mr. President, is a very interesting area. I will just take 2 seconds, really to educate the Senate a little bit. It delivers to the north Pacific 20 percent more fresh water anually than the Mississippi takes to the gulf. It is an area that has fresh water on top of a saline current that comes north, up from California.

Since it has this overabundance, really, of fresh water in a sound that, if you look at it on a geographical basis is about the size of two Great Lakes, it offers to the people of Alaska an overwhelming recreation experience. You can literally go to a different place every year and still be within driving distance of your home—most of us. And even those who cannot drive there find a way to fly there.

I hope that the Senate will consider this amendment at a later time and it will be generic. It will apply to all such instances of contamination of the oceans under the Clean Water Act.

Mr. President, it seems to me that anyone in the industry who might object to this ought to realize if this standard is not applied, I think there will be a much harsher standard later should a similar incident ever occur.

Again, I want to thank my friend from Nevada. He took the occasion, Mr. President, to discuss this matter with me and offer me a chance to join with him. As I say, I think that is the kind of initiative and courtesy that the Senate should welcome, and I do welcome his interest in our State and in establishing this standard for the cleanup of the oil from the *Valdez Exxon*.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair. I rise to support my friend and distinguished colleague, the Senator from Nevada [Mr. REID], and say how pleased I am to join him as a cosponsor of this amendment. It is, as we used to say back in the Connecticut general assembly, it is a good idea; it ought to pass.

Mr. President, the events surrounding the oilspill in Prince William Sound are outrageous. The initial act of negligence which led to the devastation in this magnificent piece of previously unspoiled Earth is outrageous. We continue to read today the toll on wildlife in that area is growing daily and the consequences of the negligence of the people associated with Exxon continues to be clearer and clearer.

But that is not the only outrage associated with this sorry event. Another outrage is the absolute state of unpreparedness of this particular company and the oil industry generally to face and contain the consequences of their own negligence in spite of all the promises that his would never happen, in spite of all the suggestions that if it ever did happen, the oil companies would be ready to deal with it. It is clear that they were not.

The Secretary of Transportation Skinner and Admiral Yost, Commandant of the Coast Guard, who testified before a hearing of our Environment and Public Works Committee that I was privileged to be at, made it very clear to us that Exxon not only did not have an adequate contingency plan and not only was Exxon and truly the rest of the oil industry un-

prepared to deal with a spill of this dimension, but Exxon itself did not even follow the terms of its own inadequate contingency plan in the early days of this spill.

Mr. President, the American people are angry about these outrages. This amendment of Senator REID, which I am privileged to cosponsor, expresses that outrage and does something about it.

We cannot do much more than we are doing to protect the natural resources in Alaska and Prince William Sound, but we can do something through the law to make sure that in the future oil companies who are guilty of negligence pay a higher price.

Mr. President, I have been startled looked at the state of the law to find how little we ask of oil companies that may be guilty of causing an oilspill as compared, for instance, to what we ask of companies that are responsible for a hazardous waste spill on land. The fact is that the Clean Water Act places a cap on the potential liability of oil companies. It gives the Government no power to order a cleanup of oil from a vessel, no power to issue administrative orders for the cleanup of the oil, no power to assess treble cleanup costs and no power to impose a $25,000 a day penalty for violation of an order. All of those powers exist when it comes to a hazardous waste spill on land.

Mr. President, many provisions of the Clean Water Act provide for penalties for violations of the act, but the penalty provisions of section 311 of the Clean Water Act governing discharges of oil are extremely ambiguous. Under one very plausible interpretation, Exxon could be let off the hook in this case by paying no more than $5,000, and that is another outrage.

Senator REID, by this amendment, intends to close perhaps the ultimate outrage, which is that Exxon and other oil companies that by their negligence destroy our environment can then turn around and deduct the costs that they expend to clean up the consequences of their negligence. It is the least we can do to make some sense, to draw some substances, to make something good come out of this horrible event.

I congratulate my friend from Nevada for showing the leadership and insight to put this amendment forward. I am privileged to stand with him as a cosponsor of it today. Thank you, Mr. President.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I am pleased to speak in support of this amendment.

I am a cosponsor of the legislation which the Senator from Nevada has introduced, S. 771, to prohibit Federal tax deductions for oilspill and hazardous substance spill cleanup costs unless the polluter has complied with the cleanup standards prescribed in the Superfund law and the Clean Water Act, as well as any relevant administrative or court orders.

In addition, the amendment prohibits a tax deduction for cleanup costs where it can be shown that the spill was caused by willful negligence or willful misconduct.

Mr. President, this matter is so clear cut in my mind that it hardly merits debate. I cannot think of a single reason why the American taxpayers should pick up the tab for cleaning up a spill caused by deliberate misdeeds.

Nor can I think of any reason why the taxpayers should foot the bill for shoddy cleanup work. If companies think that they can get away with cosmetic reparations and pass on the bill to the public, where is the incentive for a thorough cleanup?

The Exxon oilspill has shocked the Nation. The ineffective and much delayed cleanup actions by Exxon were shameful, and may have led to irreparable damage to the environment of Alaska.

If we do not ultimately enact this amendment, the U.S. Senate might as well go on record telling corporate America not to worry about the environment, do not worry about bothersome contingency and cleanup plans; do not worry about being careful to avoid accidents in the first place. Uncle Sam will bail you out.

I, for one, would be ashamed if the U.S. Senate made such a statement. At a time when controlling our deficits has become nearly impossible, and when environmental problems threaten to alter the very nature of this planet, it makes no sense to vote against this amendment.

It protects the U.S. Treasury and it protects the environment.

I commend the Senator from Nevada for his diligent work on the amendment and I urge my colleagues to support it.

Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I have been around a long number of years. During those years, there have been a lot of things that have disturbed me, a lot of things have bothered me. I have won some votes, and I have lost some votes, but almost with no exception, I never get angry. But with respect to this matter, I am angry. I am angry because the American people are being called upon to subsidize the cleanup costs of Exxon Corp.

The American people have a very short memory, but Exxon's irresponsibility and negligence that led to this monumental disaster still numbs every rational observer. A captain whose blood level of alcohol was 50 percent over Coast Guard regulations when it was checked 9 hours later was not even on the deck and the third mate handling the gigantic *Exxon Valdez* was not licensed for the Prince William Sound. The ship was left on automatic pilot, slamming so hard into Bligh Reef that oil hemorrhaged out of its single-skinned hull at 1,000 gallons a second.

More than the collective error of individuals, this disaster was sitting lying in wait. It was one of those things that could have been anticipated. It was the consequence of decisions made and unmade in the board room of Exxon Corp. and the consortium it partially owns, the Alyeska Pipeline Co.

Exxon and Alyeska's spill contingency plan was weak enough on paper, but in reality it was a phony; it was a nonplan; it was a tissue paper tiger.

Having grown fat from the profits of North Slope oil, Exxon had bled dry the contingency operations—even the few dollars they put in the contingency operation they cut back; they had to have that for themselves—failing to keep their solitary containment barge operational when the *Exxon Valdez* hit the reef.

They promised that they would be coming to the ship. They said the ship was on the way. They lied. It was not on the way. It had not even left. They were not prepared. They were irresponsible, and as so many other actions of oil companies in this country they are totally uncaring about the American people.

And then in a perverse and ironic followup to the largest oilspill in U.S. history, Exxon and its cohorts quickly presented the American public with a great gift.

They were wonderful. They indicated they were sorry. They were so apologetic that they and the oligopoly that the oil companies have where when one raises their price they all raise their price, the American people received the largest gasoline price increase in U.S. history.

For that we are to be grateful to the oil companies.

Within days of the disaster, prices were on the rise and would soon reach over 25 and 30 cents per gallon on the west coast and nearly as much throughout most of the rest of the country—even in areas, such as my State of Ohio, that receive not a drop of Alaskan oil.

I held hearings on this abnormal and excessive price spike—a price spike, Mr. President, that was larger than when the Shah of Iran was deposed, larger than during the Arab oil embargo—and witness after witness

failed to explain to my satisfaction or members of the Energy Committee why the price increase was so large, so rapid, and so universal.

The price spike drove up gasoline prices for consumers to the tune of $30 million a day. Exxon and the oil industry took advantage of this disruption and brought about a historic transfer of consumer cash into oil company coffers.

Today's Washington Post reports on the growing death toll in Alaska. Over 23,000 carcasses have been collected—including 733 sea otters and 51 bald eagles—representing over 70 species of animals.

Oh, thank you, Exxon. You have done a wonderful thing for America. Those collected carcasses are but a small fraction of those animals that were killed by Exxon's responsibility. So now what is the bottom line? What is the ultimate result? Exxon will be receiving a third payment from the American public unless the Reid amendment is adopted, and I am proud to be a cosponsor of that amendment.

Environmental destruction, inflated prices at the pump, and now the American public will be required to pay 34 percent of the costs of Exxon, the amount that they will be deducting from their taxes unless the Reid amendment is adopted. Actually, we ought to be levying a tax on them. We ought to have a surtax on those who pollute the environment and the atmosphere as Exxon has done.

Exxon's cleanup costs are likely to total $500 million—much of which will get picked up by their insurance policy, I assume. If there are allowed this tax break, the taxpayers will pick up as much as $175 million in costs. And that means that those who pay higher prices for gasoline will also be subsidizing Exxon Oil Corp. Unless the Reid amendment is adopted.

It is not like Exxon needs the money. Their net profits last year were $5,260,000, up an additional 9 percent over 1987's profits and one of their most profitable years ever.

This tax writeoff they want represents less than 2 weeks' profits for Exxon. A miniscule payment for a disaster of this magnitude.

Exxon chairman, Lawrence Rawl, has admitted that the cost of the cleanup will be expensive "but not burdensome" to the company burdensome to the American people, burdensome because they were made to pay 25 to 30 cents a gallon more, burdensome because they are now called upon to be paying extra.

There is only one conclusion that is possible, Mr. President. This not a question of need. This is a question of greed. Why should hard working citizens in my State and throughout the Nation be forced to pick up the tab for Exxon's blunders?

Enough is enough! Exxon should be responsible for its own actions and not be allowed to pass its business expenses on to the taxpaying public.

This amendment would disallow a deduction for oil spills and other hazardous substance discharges, in cases of negligence or willful misconduct.

I commend Senator REID for his thoughtful and necessary amendment. An aye vote will stop this shameful and unconscionable rip-off of the American taxpayer.

In addition, I am requesting that the Treasury Department reconsider its policy of allowing the deduction. Such a position is counterproductive and works against the strong public policy statements of this administration concerning a clean environment.

I urge my colleagues to support this amendment and take Exxon's hand out of the wallet of the American taxpayers.

But I cannot do that under the circumstances. I am aware my colleague, the distinguished Senator from Nevada, my friend, has agreed to withdraw this amendment with the understanding that the Finance Committee will be conducting hearings in connection with this particular amendment. Let me say here and now I think that is advisable, I think that is where the jurisdiction belongs but let me say—and I think I speak for the Senator from Nevada as well—that if the Finance Committee sees fit not to act in connection with this amendment then every Member of the Senate should have an opportunity to vote on this issue. Exxon should not be permitted to deduct their expenses in connection with all of the harm and damage that they have done up in Alaska. I feel certain that if the Finance Committee does not send the bill back to the floor, does not send the amendment back as part of another bill, I believe it is imperative that Senator REID and I and others offer it as an amendment to another piece of legislation at a later date.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. BENTSEN. I have sat here on the Senate floor and listened with great interest as my colleagues have discussed the need for quick action on the senior Senator from Nevada's oilspill tax amendment. This amendment raises some important issues of tax policy properly within the purview of the Finance Committee. I cannot support the amendment, or any tax amendment for that matter, that has not come before my committee for consideration. That is not to say I oppose the substance of this amendment. Its provisions deserve airing before the Finance Committee.

As my friend from Nevada may know, the administration has recently introduced the Comprehensive Oil Pollution Liability and Compensation Act, S. 1066. I plan to request sequential referral so the Finance Committee may consider the tax provisions of this legislation. I plan to hold these hearings before the full committee, with a view toward moving a legislative proposal. Senator REID, your bill covers some of the same areas as does the oil spill liability legislation. Are you amenable to seeing your legislation considered as part of these hearings?

Mr. REID. Yes; I very much would like to see the oilspill bill as the subject of a hearing by the Senate Finance Committee in the near future. It is my belief this hearing will further illuminate the need for my legislation and lead to its enactment as either a free-standing bill or as part of a larger package. I appreciate the commitment by the Senator from Texas to hold hearings on my oilspill bill.

Mr. REID. I ask unanimous consent that there be added to this amendment as sponsors Senators METZENBAUM, STEVENS, KOHL, LIEBERMAN, DOLE, GARN, WILSON, and DECONCINI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, in a brief minute or two to wrap this up, I would first draw to the attention of the Finance Committee the fact that we have received hundreds and hundreds of letters, some of which include Exxon credit cards, like this one from some people in Florida, one from an azirline captain that says "I am writing in protest of the Exxon company. As an airline captain and 21 years of flying, I certainly hope my company is not using Exxon in their planes." And he goes on to say a lot of other things. In addition to that, we have had a lot of things like this, Mr. President—a homemade bumper sticker: "One lousy company did that to Alaska?"

On and on with indications from the public that they are outraged, that this can no longer happen.

Mr. President, I conclude by referring to the chairman of the Appropriations Committee to enter the final words of this colloquy between myself and the chairman of the Appropriations Committee.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. The distinguished Senator from Nevada [Mr. REID] by offering this amendment has squarely focused the attention of this body on the need of legislation to raise the issues raised by the *Exxon Valdez* spill. I commend him for it and I totally support the amendment.

But as the Senator is aware, and has already indicated that awareness, this is the dire emergency supplemental appropriations bill, a bill that needs to

be acted upon quickly by Congress. Extraneous amendments, regardless of their merit, will only slow the consideration of the bill here and in conference. Therefore, since the able Senator from Nevada has entered into an agreement with the distinguished Senator from Texas, Mr. BENTSEN, to hold hearings on the oilspill bill, I ask the Senator from Nevada to withdraw his amendment from this bill.

Mr. REID. Mr. President, I am pleased to accommodate the wishes of the chairman of the Appropriations Committee. Having reached an agreement with the chairman of the Finance Committee to hold hearings on the legislation in the future, I will withdraw the amendment to the supplemental appropriations bill, which I do at this time.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his consideration, courtesy, his understanding, patience, and his cooperation, which are all characteristic of him.

Mr. President, we could have another amendment brought up at this time.

The PRESIDING OFFICER. The Chair indicates for the record that the Senator certainly has the right, and the amendment of the Senator from Nevada is withdrawn.

The amendment was withdrawn.

The PRESIDING OFFICER. Who wishes to be recognized?

AMENDMENT NO. 117

(Purpose: To provide funds for anti-drug programs as authorized in the Omnibus Anti-Drug Abuse Act of 1988)

Mr. D'AMATO. Mr. President, if the distinguished manager of the bill at this time will yield, I have an amendment which I believe meets with the approval of the managers of the bill. I will offer the amendment. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. SPECTER, and Mr. WILSON) proposes an amendment numbered 117.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

SUBCHAPTER I

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,500,000.

OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for "Operations and Maintenance, Air Interdiction Program", $44,500,000, to remain available until expended.

SUBCHAPTER II

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEMS

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $10,000,000, to remain available until expended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $7,000,000.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $19,000,000, of which $4,000,000 shall be available to implement Section 6151 of Public Law 100-690.

OFFICE OF JUSTICE PROGRAMS

BUREAU OF JUSTICE ASSISTANCE

For an additional amount for "Salaries and Expenses", $15,000,000 which shall only be available for discretionary grants to public, private and non-profit agencies for the purposes of education and treatment to reduce drug abuse in the inmate population, as authorized under Section 6091 of Public Law 100-690.

SUBCHAPTER III

DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", $23,000,000, for the installation of an APS-125 or APS-138 radar system on an existing Coast Guard long-range surveillance aircraft, to remain available until expended.

SUBCHAPTER IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for substance abuse prevention and treatment activities, $58,000,000, as authorized in Section 2025 of Public Law 100-690, of which $15,000,000 shall be available for the service grant demonstration program to reduce substance abuse by high risk youth and pregnant women.

INDIAN HEALTH SERVICE

For an additional amount for "Indian Health Services", $10,000,000, Provided that these funds shall only be available for the purposes of Indian Alcohol and Substance Abuse Prevention and Treatment programs, as authorized in Title II, subtitle C of Public Law 100-690.

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For an additional amount for "Program Operations", $5,000,000, to carry out the purposes authorized in Title II, Subtitle D of Public Law 100-690.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount to carry out Part C of the Drug-Free Schools and Communities Act of 1986, as amended, $5,000,000.

SUBCHAPTER V

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For an additional amount to carry-out the provisions of Section 3201 of Public Law 100-690, $3,500,000.

SUBCHAPTER VI

DEPARTMENT OF VETERANS' AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount to supplement Section 2501 of Public Law 100-690, $10,000,000.

Mr. D'AMATO. Mr. President, there always seems to be some reasons, and some of them are good, but I suggest to you even good reasons after a while fail to explain how it is that the Congress of the United States, although it waxes eloquent as it relates to its commitment to fight a meaningful war on drugs, fails to back up its eloquence; I am speaking of the rhetoric, and some would describe it as the political promises that precede every November's election without meaningful action. There are budget considerations, summit limitations that have been agreed to, spending constraints that would create a difficult problem, and/or the pledge never to raise taxes.

Mr. President, it is about time that our action had some semblance of relevance to what I believe the people of America need, and that is a commitment against the scourge of drug and alcohol addiction. That means giving to the various agencies both in terms of law enforcement and those who are charged with the area of education and rehabilitation, the opportunity to undertake that battle.

Last October the Senate by a vote of 60 to 33 rejected an amendment to increase excise taxes on alcohol and cigarettes to fund the 1988 drug bill. We went home to face the constituents in 1988, and indicated what a glorious job we achieved because we now had a meaningful drug bill. We have a drug czar, but we have little funding for this office. We have the military again with very little funding, and whatever funding that is there has not been allocated. We have meaningful laws but very little in the way of real resources to back up those drug enforcement agencies, the FBI, and the border patrols. We have an education program now, and we have even talked about funding it, but we have no resources to speak of.

While we talk about $2 billion plus in additional commitment, we give less than $500 million. To date, Mr. President, ours has been a sorry record of performance.

Yesterday, the full Senate Appropriations Committee voted down Senator DECONCINI's amendment to fund many of the key antidrug programs that we authorized last year but did not fund, or did not adequately fund. I do not believe in good conscience that we should complete a supplemental appropriation that does not address these needs.

We should not pass the supplemental without a drug title, but with more than just a drug title—with the resources by which to back up our rhetoric.

The amendment I offer on behalf of myself and three other colleagues provides the exact same funding level as Senator DECONCINI's amendment with one difference: this amendment has no offset. Some will object and will raise the point that this busts the budget or violates the Budget Act.

Mr. President, we have already waived that Supplemental Budget Act to consider the supplemental. As a matter of fact, the Budget Committee staff tells me we have exceeded it by some $900 million. Some of these programs are good and necessary.

This Senator has no objection. But I want to ask this question: How is it that we can say that this Nation's No. 1 enemy, the drug and alcohol menace, does not receive the same priority as many of the measures contained in the supplemental budget? What are we doing?

We impose this artificial limitation, this cap, when we want to, and disregard it when it is for other purposes.

Let me suggest to you that there are some items here that may be good—$1,750,000 to begin implementation of the second White House Conference on Library and Information Services. I am not against library services, and a conference at the White House.

Better to use some of that money for the problems of the prisons which are overloaded, and has us discharging violent criminals only because there is nowhere to put them. Better see to it that money is used by the FBI, DEA, or the Border Patrol, or the Coast Guard, or the Bureau of Alcohol and Tobacco, or the Customs people. Better see to it that money is used for the teacher training in the Department of Education. We can go on and on—$7,500,000 for water and sewer loans, an additional $2.5 million for water and sewer grants—$10 million; $6 million for the payment to air carriers programs—I think that is important. But it pales in comparison to what we are talking about here; $1,500,000 to send to Puerto Rico for the three political parties as it relates to their debate for statehood. I think they should have the right to vote on statehood. I have supported that.

But I want to ask in good conscience, where are our priorities? I know that the managers of this bill will be constrained to make a motion to table this, to say it is out of order. I want to ask my colleagues, when in good conscience are we going to come together and say we are going to make this war a priority? I understand and have no doubt of the outcome. But I do not think you can have it two ways. I do not think you can say you really want to fight this war on drugs and then not put the money there. It should have been in the supplemental. It was rejected. It should be here now.

As a matter of fact, this supplemental should be recommitted unless it has the funds for this drug war. The funds we talk about, by the way, are funds that will merely spend out in the last 3 months. We have met at the various agencies and spoken of the programs responsible for drug law enforcement, prevention, and treatment. They are overwhelmed. Our amendment provides $10 million to the Bureau of Prisons because they are overwhelmed, and they say they could use and spend that money in the last 3 months if they have additional resources.

FBI, $7 million, and what is taking place in the FBI? We have engaged them in this war. They have had a hiring freeze since January 31. What kind of war is that? The same is true for the DEA. We asked for $6 million for them. And in terms of the Border Patrol, we have some 8,000 illegal aliens crossing on a weekly basis that we know of. We asked for $15 million. In terms of the Coast Guard, $23 million; the Bureau of Alcohol, Tobacco and every one of these programs are on the supply side. With the Department of Education, we speak of teacher training. We say if you are going to win the war, we have to educate people and educate our youngsters and reach down. We hear the States and local communities saying, "You are talking about it, but where are the resources?" There are none. We put a modest $5 million for the Department of Education. The Office of Substance Abuse and Prevention, $15 million, and I am sure they can get Bill Bennett to call up and say he does not need the money. He is a good soldier. He will say that, but he does.

Department of Agriculture. Women and infants and children, the WIC program, $3.5 million. ADAMHA, the drug abuse program for IV users, $43 million. Indian Health Services, $10 million. Native Hawaiian health care $5 million. Veterans' drug abuse treatment and education, $10 million. So many of our veterans are addicted, so many are part of the homeless population.

There are a lot of good things in this supplemental budget, but I have to tell you something. If you want to really look at the priorities, the priorities have been for all too long neglected. The Bureau of Justice Assistance, drug treatment for prison inmates; they are putting out prison inmates who still have not licked the problem, and in many of the prisons today we do not have the kind of services we should have. So there is recidivism over and over again.

Mr. President, the Drug Enforcement Agency is taking money out of aircraft purchases and equipment to pay for mandated salary increases. They have already obligated 75 percent of the discretionary fund for the fiscal year. This is about 15 percent over where they should be. The FBI has a general support hiring freeze since January 31; even if more agents are hired, the FBI will need support personnel to complement them. We did not just plug in numbers here. We did it because there is a need and there is a crisis. Mr. President, I think we have an opportunity to match the rhetoric of saying that we are really fighting a war by voting for this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Chair recognizes the Senator from California [Mr. WILSON].

Mr. WILSON. Mr. President, I rise in support of the amendment offered by the Senator from New York. There is not anyone on this floor who is eagerly seeking ways to expand the deficit, nor do I believe for 1 moment that the effect of adopting the Senator's amendment would be to do that. What it will do is require that in the conference between the House and Senate there will be an agreement reached as to a means to fund adequately the various programs that he has described as justifying this increase in funding in a way that will take from certain other appropriations.

That is precisely what must happen. The Senator made the statement a moment ago that if, in fact, this amendment is not successful, that in the alternative, the Appropriations Committee should take this supplemental back under a motion to recommit, and I quite agree with that. Indeed, if he is not successful, it is my intention subsequently to offer such a motion, with instructions, because I think that it is unconscionable for us to continue as we have. I think that it does not require new taxes. We tried that last year and it failed. I have no reason to suspect that it would do better this year.

In fact, I do not think that those that voted against that need apologize for doing so, but we need to apologize

to the American public, if we seem incapable of any action that will adequately fund the authorization that we passed last year.

We spoke of an omnibus drug bill. It was a very good bill, Mr. President, in that it authorized funding for a number of programs which would be distinctly useful to those who are seeking to interdict the supply of drugs to those seeking to reduce the demand, to end our reputation as an international market for these perilous and poisonous drugs. But I think that the Senator from New York is to be commended. I am pleased to join him in his effort, and pleased to be a cosponsor of the amendment, and I will say that I think that others can either cosponsor or vote for his amendment, without any concern that they will in fact be increasing the deficit. Rather, what we will be doing is instructing the appropriators in conference to find a means of fulfilling the obligation that we created when we undertook last year to pass that omnibus drug bill.

It would be rank hypocrisy for Congress to leave it unfunded, to speak of good intentions, and then not put the resources that are necessary to implement them behind them is, in fact, hypocrisy.

So he is quite correct. We have to do it either the way he is proposing now, or if we are unsuccessful in that, then we really should send this back, have the Senate appropriators instruct their colleagues on the other side by bringing back to us a supplemental that does make good on our obligation, and does the painful thing, and I know it to be painful of subordinating other claims on those same dollars. It is not an easy job. It is the most difficult thing we do. They do it well. And I look at the distinguished chairman and the distinguished Republican manager, and I know that they do not relish the added difficulty, the added labor that is involved, and it is a substantial labor. It is an important labor, one that they can do well, one that I do not think, as a Congress, we have done nearly well enough.

So I will not say more. I think the Senator from New York has made very clear and very convincing the case for the expenditures that he is seeking. They are relatively small, and I remind my colleagues of that fact. The bill that we passed last year contained an authorization for $2.8 billion, and we funded it. We actually appropriated $1 billion. There is a substantial gap there. We have in effect written a bum check. It is time we made good on that, at least in part, and that is what he is seeking to do.

The Senator has been quite judicious and very selective, indicating those things most in need of funding, those things most immediate. I hope he is successful and that we will see the kind of judicious adjustment made in conference that can bring about the changes that he is seeking, the changes that will in fact allow us to go home and say we did not just state good intentions or enact them, we actually put some money and resources behind them.

The PRESIDING OFFICER. Who wishes to be recognized?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Mr. President, recently, I had the honor of joining and paying tribute to a former Member of this body, Senator Magnuson of Washington State. I remember and recall the time when Senator Magnuson was chairman of the Appropriations Committee and Mount St. Helens had erupted, causing great devastation; and at the time the Appropriations Committee was called to order by Senator Magnuson to deal with this emergency, someone asked how much it would be, and Senator Magnuson said, "Well, I think we ought to keep it sort of a round figure; I think a billion dollars would be helpful." And, of course, we got the billion dollars authorized and appropriated.

Now, I wish to make an analogy that last year—if I could have Senator D'AMATO's attention for just a moment on this matter—after we had appropriated $5.3 billion on our war on drugs in the regular fiscal year 1989 bills, we went ahead to a drug supplemental for fiscal year 1989, and we took a round figure of about a billion, and out of that billion dollars that was appropriated for the war on drugs, it was understood that there would be utilized out of that billion, moneys for the agencies that then had in place a program that could be effectively used to counter the drug problem.

But second, there was authorized a czar, a role for a person to coordinate all drug activity, to really make this a united effort of all agencies to conduct warfare on drugs.

We stated in the law that we passed that that czar, who was quickly appointed, and who has been about the business of putting together the grand strategy, would have until September 1, 1989, to produce the blueprint, the action, the strategy for the war on drugs.

That has not been done and completed. It is being done and it will meet the deadline, I am told at this point.

Mr. President, there is a great deal of popular opinion and popular support that we ought to capture to mobilize public opinion for this war on drugs.

There is not a Member I know of in this body who can outdo any other Member in his commitment or her commitment against drugs. I think that is one thing in which 100 Members of the U.S. Senate on both sides of the aisle would join shoulder to shoulder to do something effective against this terrible scourge of our country.

But, Mr. President, offering amendments and appropriating money at a problem does not in itself solve the problem.

Most of all, people who subscribe to my party, the Republican Party, used to see the money wasted in this country by the New Deal that we criticized time after time for throwing money at a social problem, thinking that corrected it, which it did not. More money was squandered in that period of time with good intention, with good objectives, with great expectations and hope, but believe me, it was squandered. Just throwing money at a problem does not solve it.

Until we get a blueprint, until we get a strategy, until we get this in place, Mr. President, the administration is absolutely right when they say they will veto this appropriations supplemental. They will veto it if it includes this kind of appropriation for drugs when all of the billion dollars that have already been appropriated for fiscal year 1989 has not been obligated to this date and here we have an amendment for $228 million more.

That just does not make sense. Merely because we can say, "Well, here is an amendment to add more money to fight the war on drugs," does not solve the drug problem. It raises expectations and hopes from people thinking we are doing something constructive when actually it may be setting the whole effort behind.

We have not obligated the money already appropriated in this fiscal year. Why add more money when we do not even have the blueprint? The Senator from New York has his plan. This is what we see in the amendment. I will not go through all of it. He thinks $2 million for the Department of Treasury, Bureau of Alcohol, Tobacco, Firearms in salaries and expenses. Why not $3 million? Why not $1.7 million?

Mr. D'AMATO. Is the Senator asking me a question as it relates to that because I would be delighted to respond?

Mr. HATFIELD. I am happy to.

Mr. D'AMATO. Because these are the numbers. These are the figures that we have gotten from the particular agencies as it relates to that.

For example, the Bureau of Prisons indicates they are in need and could spend that $10 million and need it, and in the FBI we did not come to a salary of just $7 million and why not $17 or $27 million, but because they have had a general hiring freeze since January 31 as it relates to nonagencies and even if agents were hired, they would

still need support staff, and they are desperately in need of this money.

Mr. HATFIELD. Did any of these agencies ask for this money?

Mr. D'AMATO. Let me suggest to the Senator that the agencies understand the rules of the game, but when we canvassed these agencies, they have responded when we spoke to them, these are the dire circumstances that they find themselves in.

Mr. HATFIELD. Would the Senator also answer the question, would these additional amounts of money represent the agencies particular role in the war on drugs strategy that will be announced by September 1?

Mr. D'AMATO. I have heard about this grand announcement on September 1. But without giving it the resources, the fact of the matter is we are losing ground at this time. This in no way will put us ahead of the battle, but it may give us the ability and give us the tools and resources so the FBI, the DEA, the border patrol, the INS task force can at least meet minimal responsibilities which their agents are having a difficult time undertaking.

Mr. HATFIELD. I would say, Mr. President, the Senator from New York is not the drug czar, not any of us is the drug czar, not any of us has the responsibility for administering the programs in place or those that will be put into new configurations under the grand strategy that will be announced and be developed by September 1. By law we set that into the law. That was not the administration. That was the Congress of the United States that stated that date, stated that procedure.

So, Mr. President, I think we have to recognize that when we are charged at times of getting into micromanagement in the executive branch of Government, this is a star example. The moneys that are in place and appropriated have not been obligated and we want to add more money.

Last, we are putting into jeopardy all of the mandated programs that are in the supplemental because if it is then vetoed, as we have been told it will be, we will be delaying again the veterans benefits and all these others that have to be funded because they are established by law.

Mr. President, this is a preemptive action that is unwarranted and I do not believe is justified and therefore cannot be effective in conducting the war on drugs. You have to have a plan of action.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. D'AMATO. Mr. President, I am not going to suggest to you that by allocating these $228 million we are going to win the war on drugs. But what I am going to say and suggest, if we want to be honest with ourselves, is that the agencies that we picked out here for the most part are not able to do the kind of job they should be able to do because they are underfunded.

When you have a hiring freeze in the FBI, which has now been assigned this responsibility, when you have drug enforcement agents that cannot be put out, when you have a border patrol which is cutting back, when you have a Coast Guard, which is not making the kind of acquisitions they are supposed to, the fact of the matter is the 1988 drug bill was underfunded.

Regardless of what plan the drug czar comes forth with in September, we are not implementing new plans or programs. We are saying that this is the barebone minimum we are trying to flesh out. We are trying to help because our prisons are strained, because our police services cannot make it, whether we call it the FBI or the DEA, because the Department of Education needs those dollars because there are school districts throughout America craving for it.

What are we talking about? We are talking about $5 million, because that is what they said they could utilize during this 3-month period of time. ADAMHA—that program as it relates to substance abuse of drugs and alcohol. My gosh, $43 million for this Nation—we have a nation of teenage alcoholics. Take a look and see what is happening to children 13, 14, 15 years old.

We are going to suggest that $43 million is going to be wasteful in that program? No. I would suggest what is taking place is we have not taken the time out. We have copped out on this business of waiting for a comprehensive plan of the drug czar and this amendment is not inconsistent with the awaiting his comprehensive plan.

As a matter of fact, this gives to those agencies who are now struggling under an incredible weight additional resources to wage that battle.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, this amendment, if adopted, will put this bill in jeopardy. It has been made perfectly clear by the administration in letters from Mr. Darman, from the Secretary of the Treasury, Mr. Brady, from the Attorney General and the Secretary of Defense, all expressing opposition, and the Director of OMB has indicated that if this bill carries more baggage than it is carrying right now, he will recommend that the President veto it.

Mr. President, I have listened to this rhetoric. There is plenty of it here, and I could deliever myself of a great deal of rhetoric, in fact, but I will restrain myself at least at this point.

These programs are not underfunded; $4.3 billion was appropriated for fiscal year 1989 in the regular bills; $1 billion was appropriated in the supplemental. That is $5.3 billion.

And as of March 31 of this year, 56 percent of that money had not been obligated.

And at the spend-out rate we have seen over the months ensuing since March 31, there will be money more than enough needed by the time the beginning of the next fiscal year rolls around. In addition, the President, has in his budget $6 billion—$6 billion—for the next fiscal year for the drug program.

Mr. President, the able ranking member of the Appropriations Committee, Mr. Hatfield, has made a very substantial case against this amendment. I will not add to it except to thank the ranking member, Mr. HATFIELD, for his statement and for his support of the bill.

Now, if we want a bill, Mr. President, we better listen to the committe. We carry our responsibility to pass this appropriation bill and to pass it as soon as we can pass it, because it is a dire emergency bill. And nobody takes a backseat to anybody else in this Chamber, as Mr. HATFIELD has said. Everybody is on the front seat on drugs. There is no backseat.

But having said already that there is ample money and that this bill will be placed in jeopardy—if this amendment is adopted, a point of order against this bill would send it to the calendar, not to the committee, not to the committee, but to the calendar. The committee would have no remedy. How would Senators like to do that? And if it makes it out of here, it will attract a veto if it has this money in it because it is going to be all the more difficult in conference to come out with a bill that will not be vetoed.

Mr. President, this amendment is subject to Budget Act points of order under sections 311(a) and 302(f). It is subject to these points of order because the committee and its subcommittees have exhausted their allocations for fiscal year 1989 under the budget resolution.

I, therefore, make the points of order under sections 311(a) and 302(f) of the Budget Act that the amendment is not in order.

The PRESIDING OFFICER. A point of order has been made.

The point of order is well taken. The amendment violates section 302(f) of the Congressional Budget Act since it provides new budget authority in outlays which would exceed several subcommittees' allocations reported pursuant to section 302(b). It also violates section 311(a) of the Budget Act. Therefore, the amendment falls.

Mr. D'AMATO. Mr. President, I appeal the ruling of the Chair.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask the indulgence of Senators that I might now propound a unanimous consent agreement request limiting the amendments to H.R. 2072. I will not do that. The staffs of both the majority and minority leader have consulted on this matter. All Senators have been advised. I understand that the agreement I am about to propound has been cleared and approved by the distinguished Republican leader who is, in any event, present.

Accordingly, Mr. President, I ask unanimous consent that the following amendments be the only amendments in order to H.R. 2072, other than the expected committee amendments, and that they be considered under the following time limitations where stated:

Senator BIDEN, one to three amendments regarding drug funding, no time limit, Senator ROCKEFELLER, an amendment relating to the National Commission on Children, 10 minutes, equally divided; Senator LEVIN, an amendment regarding the Secretary of Transportation study of leveraged buyouts in the airline industry and the delay of LBO's until the study is completed, 20 minutes equally divided; Senator GRAHAM, a sense-of-the-Senate resolution on Eastern Airlines' strike, no time limit; Senator GRAHAM, an amendment regarding the National Endowment for Democracy money for civic organizations in Nicaragua, 40 minutes, equally divided; Senator BRADLEY, an amendment regarding money for water treatment less than $1 million, 10 minutes, equally divided; Senator DECONCINI, an amendment regarding Angola, 60 minutes, equally divided; Senator DECONCINI, an amendment regarding the Stinger sale to Bahrain, 30 minutes, equally divided; Senator METZENBAUM, an amendment regarding orphan drugs, 10 minutes equally divided; Senator ADAMS, an amendment to stabilize the apple market, 10 minutes, equally divided; Senator KENNEDY, an amendment regarding Justice Department funding, 30 minutes, equally divided; Senator BUMPERS, a technical amendment to the Magistrate Act, 5 minutes, equally divided; Senator METZENBAUM, an amendment regarding Winton Woods Lake in Cincinnati, OH, 5 minutes, equally divided; Senator MOYNIHAN, an amendment regarding drug funding supply and demand, no time limit; Senator HELMS, one or two amendments conditioning U.S. contributions to U.N. peacekeeping, no time limit; Senator HELMS, an amendment to require the United States to impose IMF World Bank entry for Angola, no time limit; Senator HELMS, an amendment repealing sanctions on Namibia, no time limit; Senator HELMS, an amendment to strike South Africa provisions, no time limit; Senator DOLE, an amendment regarding drought assistance, no time limit; Senator HATCH, two amendments regarding the Public Health Service, no time limit; Senator WALLOP, two amendments regarding fire rehabilitation and fire research, 20 minutes, equally divided, for each amendment; Senator MCCAIN, an amendment regarding funding for the National Endowment for Democracy, no time limit; Senator WARNER, an amendment to ban Alar, no time limit; Senator KASTEN, an amendment to repeal section 89, 30 minutes, equally divided; Senator WILSON, an amendment regarding air traffic control, no time limit; Senator WILSON, an amendment regarding drug funding, no time limit; Senator D'AMATO, an amendment regarding funding for the anti-drug program—is that the amendment that is presently being considered?

Mr. D'AMATO. Yes.

Mr. MITCHELL. Then I withdraw that reference to a D'Amato amendment.

Senator KASTEN regarding national accounting systems for international agencies; Senator GRAMM, an amendment regarding Central and South American refugees, 20 minutes equally divided.

I further ask unanimous consent that these amendments all be first-degree amendments; that relevant second-degree amendments be in order with the same amount of time as the first-degree amendment, if the first-degree amendment is under a time limitation, and with no time limit on the second-degree amendment if there is no time limit on the first-degree amendment; that the agreement be in the usual form; that no motions to recommit be in order; and that no points of order be waived by this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I will not object, but I would just further identify the two Hatch amendments. One is on animal welfare and one is to delay the implementation of catastrophic health insurance premium increases and programs.

Mr. MITCHELL. I apologize. I did not hear the Senator.

Mr. DOLE. I just further identified the two Hatch amendments. One would be animal welfare and one would be delay of catastrophic insurance programs.

Then I am advised that Senator HEINZ has an amendment on targeted jobs tax credit and funds for implementation of the program.

Mr. MITCHELL. I have been advised that Senators SIMON and DIXON also wish to offer an amendment regarding the ozone grid model with no time limit.

On the Heinz amendment——

Mr. DOLE. It is targeted jobs tax credit and funds for implementation of the program. I would suggest 30 minutes equally divided.

Mr. MITCHELL. Until the relevant committee chairman can determine the substance, I prefer to leave that without a time limit if that is agreeable?

If I may inquire of the distinguished Republican leader, the Agricultural Committee chairman has asked, with respect to his proposed amendment on drug assistance, does that involve the $750,000?

Mr. DOLE. $275,000.

Mr. MITCHELL. The $275,000 study.

Does the distinguished Republican leader wish to add any further?

Mr. DOLE. Just the Heinz amendment and then I did clarify the two Hatch amendments. I have no objection to the request.

Mr. MITCHELL. Then with those additions, both by the distinguished Republican leader and myself, Mr. President, I ask unanimous consent that the agreement be approved as stated.

Mr. BYRD. Reserving the right to object——

Mr. MITCHELL. Mr. President, I ask that the 30-minute equally divided time limitation that I requested with respect to the amendment to be proposed by Senator KENNEDY regarding Justice Department funding be stricken so that that amendment now would be with no time limit. At a later time we can determine the substantive question, and can be able to reinstate the time as with others but as of now I ask my request be amended to delete the time limitation on that amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, would it be possible to get an agreement that would rule out all second-degree amendments? All amendments to amendments?

Mr. MITCHELL. Not at this time, Mr. Chairman.

Mr. BYRD. This agreement is wide open with respect to amendments to amendments. That is my problem.

Mr. MITCHELL. If I might just say that the agreement does require that the second-degree amendments be relevant. I would prefer a more limiting agreement than this, but this is the best we can do for now. We hope as we proceed with this to be able to reduce it further, to reduce the list, to impose time limits where none now exist and perhaps take further steps as suggested by the distinguished chairman.

Mr. BYRD. Mr. President, reserving the right to object, I will not object. But I must say that this is really a shopping list of amendments. A sup-

plemental appropriations bill is, in one respect at least, most difficult of all the appropriations bills because it cuts across the board. It can be for any number of departments and agencies, and it looks like it is going to be. But I also recognize the problems that the leaders have in trying to develop a time agreement.

When we leave open first-degree amendments for amendments thereto, then we can beat down one after another of the amendments that are offered thereto and still see more and more coming, so that in one sense, this agreement does not really limit the number of amendments—in one sense.

But I am not going to interpose an objection. I hope that in the future when we have a supplemental appropriations bill up here, we will try to get agreements that will, perhaps, rule out amendments to amendments. But, in this instance, I will not object. And it may be in the future that I would be interested in amendments to amendments. I can play that game, too. But I am not interested in playing a game today.

Mr. MITCHELL. I thank the distinguished chairman. I am now advised that we have an additional amendment that has been requested so I would amend the request to include an amendment by Senator GRAHAM of Florida, regarding Haiti, with no time limitation.

The PRESIDING OFFICER (Mr. GRAHAM). Is there objection to the unanimous consent?

Without objection, it is so ordered.

Mr. MITCHELL. I thank the distinguished chairman and ranking Republican leader of the committee and hope with this first step we have begun the whittling down process. Much whittling remains.

Mr. BYRD. Some whittling remains, but I do thank both leaders for their efforts in this regard.

What is the pending question before the Senate?

The PRESIDING OFFICER. The Chair has ruled that the pending amendment violates sections 311 and 305 of the Budget Act. The Senator from New York has appealed that ruling of the Chair.

The question before the Senate is: Shall the ruling of the Chair be sustained?

VOTE ON MOTION TO TABLE APPEAL OF RULING

Mr. BYRD. Mr. President, I move to table the appeal. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the motion to table the motion to appeal the ruling of the Chair. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Iowa [Mr. HARKIN] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—81

Adams	Fowler	Matsunaga
Armstrong	Garn	McCain
Baucus	Glenn	McClure
Bentsen	Gore	Metzenbaum
Bingaman	Gorton	Mikulski
Bond	Graham	Mitchell
Boren	Gramm	Nickles
Breaux	Grassley	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burdick	Heinz	Pryor
Burns	Hollings	Reid
Byrd	Humphrey	Riegle
Chafee	Inouye	Robb
Cochran	Jeffords	Rockefeller
Cohen	Johnston	Roth
Conrad	Kassebaum	Rudman
Cranston	Kasten	Sanford
Danforth	Kennedy	Sarbanes
Daschle	Kerrey	Sasser
Dixon	Kohl	Shelby
Dodd	Lautenberg	Simon
Dole	Leahy	Simpson
Domenici	Levin	Stevens
Durenberger	Lieberman	Thurmond
Exon	Lott	Wallop
Ford	Mack	Wirth

NAYS—15

Biden	DeConcini	Moynihan
Boschwitz	Heflin	Pressler
Bradley	Helms	Specter
Coats	Kerry	Warner
D'Amato	McConnell	Wilson

NOT VOTING—4

Harkin	Murkowski
Lugar	Symms

So the motion to lay on the table the motion to appeal the ruling of the Chair was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I am hoping that Senator BIDEN would withdraw his amendment now. The two leaders have indicated that there will be no more rollcall votes after 4:30 today. The Biden amendment is another one of the drug amendments. I would like as manager of the bill to dispose of those amendments today if we possibly can. I saw Senator BIDEN on the floor just a moment ago and he indicated he would try to have the amendment ready. I beg the indulgence of my colleagues.

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Is the Senator stating there will be no rollcall votes after 4:30?

Mr. BYRD. That is not according to my wishes but that is according to the statements of the two leaders. There will be no more rollcall votes after 4:30 today.

Mr. NICKLES. Has any statement been made concerning tomorrow?

Mr. BYRD. The distinguished majority leader indicated earlier that if the Senate did not finish this bill today, the Senate will be in tomorrow with rollcall votes.

Mr. NICKLES. I thank the Senator.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I do not intend to hold the floor unduly here because other Senators have a right to call up their amendments, but I would like very much to get these amendments dealing with drugs out of the way today since we are not going, as I understand it, beyond 4:30 today.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. BYRD. Without losing my right to the floor.

Mr. METZENBAUM. I want to inquire of the manager of the bill——

The PRESIDING OFFICER. If the Senator from Ohio will suspend, the Senate is not in order.

Mr. WARNER. Will the Senator yield for an unanimous-consent request?

The PRESIDING OFFICER. The Senator from West Virginia has the floor. He has yielded to the Senator from Ohio.

Mr. BYRD. May I yield to the Senator from Ohio first for the moment and then I will be happy to yield. Did the Senator have a question?

Mr. METZENBAUM. Mr. President, I want to inquire of the manager of the bill. Here is a very minor amendment that involves $1 million with an offset that has been worked out with Senator BURDICK and his staff. It is my understanding it has been cleared with the Senator's staff as well. I wonder if the Senator objects to my moving ahead? It has to do with orphan drugs.

Mr. BYRD. Is it within the same subcommittee?

Mr. METZENBAUM. The answer is yes, I am advised by staff.

Mr. BYRD. It does not increase the allocation of a different subcommittee?

Mr. METZENBAUM. Senator BURDICK's staff advises me it is the same subcommittee.

Mr. BYRD. If the distinguished Senator will withhold for just a moment, perhaps I can help. Did the Senator from Virginia have an amendment?

Mr. WARNER. Mr. President, I thank the distinguished manager of the bill.

Mr. WARNER. Mr. President, the Senator from Virginia on behalf of other Senators who are working with him on an amendment on Alar requests unanimous consent that our amendment be printed in the event this matter is not taken up until next week.

Mr. BYRD. I yield for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment, No. 122, is printed in today's RECORD under "Amendments Submitted".)

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Ohio. We have discussed this amendment. He will call it up. The two managers are here and are prepared to accept it, and we can move on.

Mr. President, I ask unanimous consent to temporarily set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

AMENDMENT NO. 118

(Purpose: To provide funds for research on rare diseases)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 118.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 16, insert the following new language: "For an additional amount for orphan drug grants and contracts, $1,000,000".

On page 29, line 9, delete the sum "$1,000,000" and insert in lieu thereof, "$120,000".

On page 30, line 23, delete the sum "$200,000" and insert in lieu thereof, "$80,000".

Mr. METZENBAUM. Mr. President, that amendment has to do with orphan drugs. It has been worked out. It is for a very small amount of money.

Mr. President, this amendment would provide an additional $1 million for research and development of orphan drugs.

Orphan drugs are used to treat rare diseases that afflict a relatively small number of people.

An estimated 8 million Americans suffer from over 5,000 rare diseases. Over half of these are childhood diseases.

Drugs for rare diseases are not profitable for pharmaceutical companies to develop, and we can understand that.

But the bottom line is, many drugs which could be used to treat these afflictions never get developed.

Last year, Congress enacted an authorization providing $12 million for orphan drug research grants and contracts.

Unfortunately, only $4.9 million was appropriated. As a result, many worthy research proposals have been approved by the Food and Drug Administration, but have gone unfunded.

Last year, 70 grants were approved. Only 20 were funded.

This amendment would move some additional research projects forward.

To those who are concerned about costs, let me point out we are talking about a very small amount of money. When you talk about finding a cure for a rare childhood disease, $1 million is a drop in the bucket compared to the billions that are spent for medical research in this country.

This is a most worthy amendment, and I urge my colleagues to accept it.

I send to the desk a list of organizations represented by the National Organization for Rare Disorders. All of these organizations support this amendment, and I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMBER ORGANIZATIONS

Acoustic Neuroma Association
American Narcolepsy Association
American Porphyria Foundation
Amyotrophic Lateral Sclerosis Association
Ankylosing Spondylitis Association
Association for Brain Tumor Research
Association for Glycogen Storage Disease
Benign Essential Blepharospasm Research Foundation, Inc.
Cornelia de Lange Syndrome Foundation, Inc.
Cystinosis Foundation, Inc.
Dizziness & Balance Disorders Association of America, Inc.
Dysautonomia Foundation, Inc.
Dystonia Medical Research Foundation
Dystrophic Epidermolysis Bullosa Research Assoc. (D.E.B.R.A.)
Ehlers-Danlos National Foundation
Epilepsy Foundation of America
Families of Spinal Muscular Atrophy
Foundation for Ichthyosis & Related Skin Types (F.I.R.S.T.)
Friedreich's Ataxia Group in America, Inc.
Guillain-Barré Syndrome Support Group International
Hemochromatosis Research Foundation, Inc.
Histiocytosis-X Association of America, Inc.
Huntington's Disease Society of America, Inc.
Immune Deficiency Foundation
International Joseph Diseases Foundation
International Rett Syndrome Association, Inc.
Interstitial Cystitis Association of America, Inc.
Jaw Joints & Allied Musculo-Skeletal Disorders Foundation, Inc.
Lowe's Syndrome Association
Lupus Foundation of America, Inc.
Malignant Hyperthermia Association of the United States
Meniere's Network (E.A.R. Fndtn.)
Mucopolysaccharidoses Research Funding Center, Inc.
Narcolepsy Network
National Addison's Disease Foundation
National Association for Sickle Cell Disease, Inc.
National Ataxia Foundation
National Cogenital Port Wine Stain Foundation
National Craniofacial Foundation
National Foundation for Ectodermal Dysplasias
National Foundation for Peroneal Muscular Atrophy
National Gaucher Foundation, Inc.
National Head Injury Foundation
National Marfan Foundation
National M.P.S. Society, Inc.
National Multiple Sclerosis Society
National Neurofibromatosis Foundation, Inc.
National Spasmodic Torticollis Assoc.
National Tay-Sachs & Allied Diseases Association
National Tuberous Sclerosis Association, Inc.
National Vitiligo Foundation, Inc.
Osteogenesis Imperfecta-NAC, Inc.
Paget's Disease Foundation, Inc.
Parkinson's Disease Foundation, Inc.
Polycystic Kidney Research Foundation
Prader-Willi Syndrome Association
Reflex Sympathetic Dystrophy Syndrome Association
Retinitis Pigmentosa Foundation Fighting Blindness
Scleroderma Info Exchange, Inc.
Scleroderma Federation, Inc.
Sjogren's Syndrome Foundation, Inc.
Tourette Syndrome Association, Inc.
United Leukodystrophy Foundation, Inc.
United Parkinson Foundation
Williams Syndrome Association
Wilson's Disease Association
Sickle Cell Disease Research Foundation of Texas, Inc.
Sturge-Weber Foundation
Texas Dept. MHMR
The Devereux Foundation
Thrombocytopenia Absent Radius Syndrome Association (TARSA)
Tourette Syndrome Association of Ohio
Tuberous Sclerosis Assoc. of IL
Turner's Syndrome Society
Turner's Syndrome Support Group of New England
(Associations are joining continuously. For newest listing contact the NORD office.)

ASSOCIATE MEMBERS

Alabama Society for Sleep Disorders
California Neurofibromatosis Network, Inc.
Canadian Marfan Association

Charcot-Marie-Tooth International
Chesapeake Infant Intervention Program
Children's Leukemia Foundation of MI
Chronic Fatigue Syndrome Society, Inc.
Chronic Granulomatous Disease Assoc.
Community Information & Referral Services of Phoenix, AZ
Del Oro Regional Resource Center
Family Survival Project for Brain Damaged Adults
5-P Society
Genetics Unlimited
Good Samaritan Medical Center, Neurological Coalition, Portland, OR
Infants & Toddlers Program, MD
Klippel-Trenaunay Support Group
Lyme Borreliosis Foundation
National Association for Pseudoxanthoma Elasticum
National Coalition for Research in Neurological & Communicative Disorders
National Neurofibromatosis Fndtn. Metro Washington, DC Chapter
Neurofibromatosis Association, Inc.
North American Pediatric Pseudo-Obstruction Society
North Shore University Hospital Infant Development Program
Parents Project/Association for Retarded Citizens, Inc.
Parent to Parent of GA
Parent to Parent of Miami
Parent to Parent of Richmond, VA
PHP Self-Help Clearinghouse
Research Trust for Metabolic Diseases in Children
Sarcoidosis Family Aid & Research Foundation
Self-Help Clearinghouse of N.J.

Mr. METZENBAUM. Mr. President, it is my understanding that this amendment is acceptable to the managers of the bill and the chairman of the subcommittee. If that be the case, I do not think it is necessary to speak upon it at length.

Mr. BURDICK. Mr. President, not a single Senator could argue against continuing and improving national research on orphan drugs to provide necessary new therapies to thousands afflicted with rare disorders and diseases.

As chairman of the Appropriations Subcommittee with jurisdication over the Food and Drug Administration, I am proud of the National Organization of Rare Disorders, an organization that has spearheaded efforts to relieve the plight of those suffering from low-incidence diseases. As a result, the Federal Government, through the National Institutes of Health and the Food and Drug Administration, has joined hands with the medical community, private industry, and academia in seeking cooperative approaches to unique and severe problems in the treatment and cure of orphan diseases.

Much progress has been achieved in recent years in many developmental diseases, extending the lives of young children, once throught impossible. National attention has been focused on little-known disorders throughout the National Commission on Orphan Diseases, and valuable contributions of time, funds, and research expertise have been volunteered.

Despite dwindling Federal dollars provided to the Food and Drug Administration, funds for orphan drug grants and contracts have been increased by about $1,240,000 in the past 2 years.

We would like to provide more funding to this cause. With the cooperation of Senator METZENBAUM, I am willing to accept an amendment to increase orphan drug product research in the supplemental by $1,000,000. This amendment will enable many high quality applications to be approved this year.

I believe that the Food and Drug Administration is sorely in need of additional funds, if it is to attempt to meet the standards of health and safety mandated by law. But, the administration continues to underfund the FDA and proposes user fees as a panacea for a beleaguered agency.

The fact that the Senator from Ohio seeks more funds for orphan drugs is a laudable goal. I fear that FDA has been shortchanged in recent years, and I find it difficult to continually juggle funds for one worthy project by taking away from another.

In the future, I would propose that more funds for FDA are necessary to allow the fruits of basic research we have supported for so long to reach the hands of the American public. The Food and Drug Administration merits our attention overall, not merely through piecemeal endeavors. I urge the Senate's commitment to the long-term revitalization of FDA, so necessary resources might be available for the development of treatments and cure for all diseases.

The PRESIDING OFFICER. Does any other Senator wish to be heard on this matter?

Mr. BYRD. Mr. President, the amendment does not increase the overall appropriation level—it has been offset—nor does it increase the allocation of another subcommittee. I have no objection.

Mr. HATFIELD. It is clear on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? Each side has 5 minutes.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the remainder of the time be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time has been yielded back on both sides of the aisle.

The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 118) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Nebraska, while I am still awaiting word on whether or not we can reach Senator BIDEN.

Mr. KERREY. I thank the Senator from West Virginia, the President pro tempore of the Senate.

Mr. President, as a member of the Senate Appropriations Committee, I am pleased to support H.R. 2072, the dire emergency supplemental appropriations bill of 1989.

The committee under the able leadership of its chairman, Senator BYRD, and its ranking member, Mr. HATFIELD, has, I believe, fashioned a bill which meets a number of needs, not all of which were recognized and/or supported by the administration. And, it did so within parameters which, I understand, are acceptable to the Office of Management and Budget.

There are many good provisions in the bill, but I want to mention a few which are of particular importance to my State of Nebraska.

In appropriating $6.6 million for the Essential Air Service Program, this bill safeguards a vital service to 11 Nebraska communities that participte in EAS Program. Originally enacted in 1978, the Essential Air Service Program was a response to the anticipated negative effects of airline deregulation on rural communities lacking a large volume of airline traffic.

Mr. President, I particularly want to commend Senator EXON, the senior Senator from Nebraska, for his continued dedication to this program. In fact, my colleague from Nebraska was the original sponsor of the 1988 essential air service reauthorization legislation. His foresight protected many Nebraska cities and towns from the economic hardship that they most certainly would have faced without the benefits of the Essential Air Service Program.

I also want to thank Chairman BYRD and Senator LAUTENBERG, chairman of the Appropriations Subcommittee on Transportation for their support of this program that not only assists Nebraska, but over 130 communities in 35 States.

Today's inclusion of funding for essential air service is particularly important following recent attempts to curtail the services provided under this program. For the individuals and businesses of Alliance, Chadron, Columbus, Grand Island, Hastings, Kearney, McCook, Norfolk, North Platte, Scottsbluff, and Sidney, NE, the continuation of this program is essential. In these Nebraska communities, continued air service is a vital component of these communities' economic infrastructure.

At a time that these rural communities—in the heart of rich farming and ranching lands—are making an economic comeback after the agricultural crisis of the 1980's, it would be an injustice to cut a program that has brought so many benefits, not only to 11 Nebraska communities, but over 100 other rural communities across the country.

The bill also contains $1.2 billion for veterans programs, including $340 million for medical care. With these funds the committee expects the VA to try to reach a personnel level of 194,720 which should help insure that medical personnel are available to provide the services to which all veterans are entitled. To the extent that these funds cannot be used for personnel, they are to be applied to the backlog of orders for prosthetic devices. We have three VA hospitals in my State and I know that these funds are necessary to keep services available.

Provisions in the bill also seek to cover the $13 million shortfall in the National Weather Service budget. I am concerned about the plans of the NWS for automation and I believe that existing stations and operations must be maintained until we can assure users of weather information that services and information will not be curtailed or diminished.

H.R. 2072 includes $100 million for migration and refugee assistance, primarily to help Soviet refugees leaving the Soviet Union. Many of these people are realizing long-held dreams of leaving a repressive society only to find themselves awaiting processing and other delays. We should take advantage of the relaxes emigration policy in the Soviet Union and help these people fulfill their dreams.

H.R. 2072 contains language designed to insure that additional timber receipts are made available to the Forest Service for trail maintenance and construction, wildlife and fish habitat management, wilderness management and reforestation. These are important conservation activities and are essential to guaranteeing that our national forests are maintained and protected for enjoyment in the years to come.

The bill would also provide initial funding for the second White House Conference on Library and Information Services. I believe we can expand educational opportunities through innovative and imaginative use of libraries and information systems and I will be interested to see what the conference can develop.

In addition the bill includes funds for both the Agricultural Stabilization and Conservation Services [ASCS] and the Soil Conservation Service [SCS] so that these agencies can stay abreast of the heavy workload they face in implementing farm price support programs and ensuring that farmers have a conservation compliance plan in place by the end of this year as required by law. The measure also requires the Farmers Home Administration to release to the States approximately $100 million in insured operating funds so that eligible farmers may have full access to the operating capital they need during the critical planting season already underway.

In response to the pressing needs created by the ongoing drought, the bill directs the Secretary of Agriculture to evaluate: First, how idle acreage devoted to conserving crops can be used to benefit nonforage consuming livestock such as hogs; second, whether, and under what conditions, Conservation Reserve Program [CRP] land should be made available for limited haying and grazing; third, the merits of increasing the daily feed allowances per animal under the emergency livestock assistance programs; and fourth, the benefits and costs of extended loans for grain currently held in reserve by farmers.

The bill also provides an additional $10 million for water and sewer loans and grants to assist rural communities suffering from the lack of water due to the drought. Finally, in report language accompanying the bill, the Secretary of Agriculture is encouraged to extend, from July 31 to December 31, the date by which farmers have to repay advanced deficiency payments that may be due on the 1988 crop.

As a witness to the drought's continued devastation in my own State of Nebraska, I can attest that these modest provisions are both timely and necessary.

In the area of rural health care, the bill includes two provisions that will advance the essential goal of promoting long-term planning for the health care needs of rural communities throughout Nebraska and the Nation. It makes this progress at a minimal cost.

First, the bill will require the Health Care Financing Administration to award 160 transition grants, with funds that have already been appropriated for fiscal year 1989. This provision is necessary, as the Bush administration has proposed a reduction in the number of awards to 80. Such a cutback would be shortsighted; transition grants provide a rare opportunity for rural hospitals to use Federal funds to create their own solutions to local health care access problems.

H.R. 2072 will also provide a modest appropriation to fund a much-needed study by the Secretary of Health and Human Services to develop a long-term rural health care strategy. To date, we have been able to pass only Band-aid solutions to a fundamental problem of obstructed access to necessary health care in rural areas. This provision represents an important first step toward a comprehensive rural health care policy. Because of an offsetting rescission, the provision is budget-neutral.

I am hopeful that the Senate Appropriations Committee can work closely with the House of Representatives in conference to maintain support for these important programs.

As a member of the delegation from Nebraska led by the senior Senator, Senator EXON, it is very difficult, as we are trying for relatively small appropriations, for our State to get full consideration.

I want to thank the chairman of the Appropriations Committee, Senator BYRD, and I also want to thank the ranking member, Senator HATFIELD, for working very hard to get back into this supplemental appropriations bill $6.6 million for central air service that will serve 11 communities in Nebraska and will enable those communities, all rural communities, to continue local efforts to increase the number of jobs in their communities, and to increase in general the economic activity of those towns.

Without the efforts of the President pro tempore, the chairman of the Appropriations Committee, and the ranking member, and most particularly, Senator EXON, this conclusion would not be there.

I want to assure Members of this Senate that that $6.6 million is money well spent. It will come to the aid of those communities, will enable them to help themselves, and go an awful long ways toward restoring economic health in rural America.

I thank the chairman of the Appropriations Committee, Senator BYRD, for permitting me to put this into the RECORD.

I yield the floor.

Mr. BYRD. Mr. President, I thank the able Senator for his fine statement, and also for his strong support for the central air service.

Mr. President, I understand that Mr. BIDEN will be on the floor at 4 o'clock.

I ask unanimous consent that Senator BIDEN may be recognized at 4 p.m. to call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield the floor. Other Senators who have amendments may do so.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Florida.

AMENDMENT NO. 119

(Purpose: To express the sense of the Senate concerning the restoration of Eastern Airlines)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Chair will advise the Senator from Florida——

Mr. GRAHAM. I ask unanimous consent to set aside the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 119.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . RESTORATION OF EASTERN AIRLINES.

(a) FINDINGS.—The Senate finds that—

(1) the operations of Eastern Airlines have been substantially shut down since March 4, 1989, by a strike by the International Association of Machinists with the support of pilots and flight attendant unions;

(2) Eastern Airlines filed a petition under chapter 11 of title 11, United States Code, on March 9, 1989;

(3) Texas Air Corporation, which controls Eastern Airlines, had negotiated for the sale of Eastern;

(4) the organized employees of Eastern had agreed to provide a potential new owner with substantial wage;

(5) the deregulation of the airline industry by Congress was predicated on the anticipated continued existence of strong, independent airlines, such as Eastern Airlines;

(6) the Bankruptcy Court has the power to appoint an independent trustee to manage Eastern's return to operation during the interim period, leading up to the consummation of the sale agreement and transfer of control to a potential owner; and

(7) the return of Eastern Airlines to full operation is in the public interest and in the best interest of the creditors, employees, and customers of Eastern as well as the economies of the communities, States and regions of the United States that Eastern serves.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Bankruptcy Court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may include appointment of an independent trustee, pending sale of the company.

Mr. GRAHAM. Mr. President, the strike at Eastern Airlines has lasted nearly 3 months now. Unfortunately, we are not much closer to an acceptable resolution of this situation than we were back on March 4 when the strike began.

This body has made a deliberate effort to allow the marketplace and the involved parties time to resolve the situation. But with every day that has passed and is passing and will pass in the future, passengers are being inconvenienced, employees livelihoods are being jeopardized, and a once-thriving company is being weakened.

Clearly it is the public sentiment that Eastern Airlines should return to the air as quickly as possible. I am proposing that the Senate voice public sentiment by expressing its sense that the bankruptcy court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may include appointment of an independent trustee pending sale of the company.

My home State of Florida, of which Eastern is a major corporate citizen, suffers from the effects of the dispute on a daily basis. The public is affected not only from the lack of service, but also the economic devastation caused by thousands of employees out of work and millions of dollars of lost revenues to tourism and other industries which depend on Eastern's continued survival.

For example, one small travel agent reported a loss of $18,000 in ticket refunds to passengers for which Eastern has not yet reimbursed.

Travelers report, and other airlines confirm, that the number of discount fares available has dropped significantly. In fact, the average price per ticket for corporate travel has increased from $290 to $433 since December 1988.

Why do we suggest that the bankruptcy judge appoint a trustee? The answer is simple. The current management has been unable to successfully negotiate a contract extension with the workers. Prospects for the two parties returning to the table are dim at best. As a result, the company is now in bankruptcy court.

Appointment of an unbiased, independent trustee could facilitate the end of the strike, making Eastern more attractive to both potential buyers and to customers.

Mr. President, the slow and painful deterioration of labor and management relations at Eastern Airlines has dragged on too long. To quote Judge Burton Lifland, Eastern "has remained too long in the emergency room and is hemorrhaging $1 million a day."

Any further delay in the restoration of the airlines could render full return to operations impossible. I encourage my colleagues to join me in representing public sentiment by the simple act of encouraging expeditious action on the behalf of all the involved parties.

Mr. President, this sense-of-the-Senate resolution contains the same request as was contained in a resolution which has been cosponsored by Senators BURDICK, DODD, ADAMS, METZENBAUM, KENNEDY, HEFLIN, KERRY, ROBB, SIMON, INOUYE, LIEBERMAN, NUNN, FOWLER, BRYAN, LEVIN, and MOYNIHAN.

I ask the Senate's positive consideration of this sense-of-the-Senate resolution as an amendment to the Supplemental Appropriation Act.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, I understand that the chairman of the Transportation Appropriations Subcommittee is on his way, so if we could delay just a brief period.

If the Senator has no objection, I will suggest the absence of a quorum.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I rise in opposition to the sense-of-the-Senate resolution before the Senate in that it states:

It is the sense of the Senate that the Bankruptcy Court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may include appointment of an independent trustee, pending sale of the company.

I guess I would like permission to engage in a colloquy with my friend and colleague from Florida, who has proposed this amendment or this resolution.

Does this resolution indicate that we are directing the Bankruptcy Court to appoint an independent trustee or does it just remind the Bankruptcy Court that they may include appointment of an independent trustee, pending sale of the company?

Mr. GRAHAM. I say to my friend from Arizona it is not intended to be directory. It reminds, alerts, brings to the attention of the bankruptcy judge that that is one option that would be available, but it does not mandate that option be elected.

Mr. McCAIN. I thank my friend for clarifying that.

It is my understanding then that this resolution basically does not dictate or does not intend to dictate to the Bankruptcy Court what they should do but as my friend from Florida just stated reminds them that the appointment of an independent trustee is one of the options that they can exercise. Is that an accurate description?

Mr. GRAHAM. That is my interpretation. That is the intention of the sponsor of the sense-of-the-Senate amendment; yes.

Mr. McCAIN. Then, Mr. President, I do not intend to oppose this resolution. I am glad to receive this clarification from my friend from Florida.

I appreciate his deep concern about the fate of the employees of Eastern Airlines. As the ranking minority member of the Aviation Subcommittee, I have been involved in this issue. I share his concern. We want to put those people back to work. We want Eastern Airlines back in operation and

most of all, of course, we want to maintain the competitive atmosphere amongst the airlines so that we can offer the passenger the lowest cost flight under the safest conditions.

I think this can be achieved by getting Eastern Airlines back into operation as quickly and as completely as possible.

I thank my friend from Florida, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I have looked at this resolution, and frankly I could support most all of it except this part about the recommendation by the sense of the Senate that may include the appointment of an independent trustee, pending sale of the company.

I have to say I have listened to the colloquy between the distinguished Senator from Florida and the distinguished Senator from Arizona, and that does not satisfy me, because I do not think we in the Senate should get in the midst of litigation like this or get in the midst of court processes like this.

If the distinguished Senator were willing to take out "which may include appointment of an independent trustee," I would be willing to go with this resolution, but frankly I just do not see any reason why at this particular point the U.S. Senate should get involved in any way in a bankruptcy proceeding.

And while the Senator's sense-of-the-Senate resolution obviously does not require the appointment of an independent trustee, I do not see what purpose it is going to serve to urge such appointment other than to put pressure on the bankruptcy judge or whoever will make such appointment to do that.

The Bankruptcy Court is considering whether appointment of a trustee is warranted. I think that should be a decision made by the Bankruptcy Court. I have faith in the Bankruptcy Court system of this country that they will do what is right.

I think it is extremely unnecessary and for the Senate to involve itself at all in any way in this particular issue and even make a recommendation to the bankruptcy judge who may feel, "Well, if the U.S. Senate wants me to appoint a trustee, maybe I should do that." The fact is what the Bankruptcy Court should do is do what is best under the circumstances for all parties concerned in that particular proceeding. The court should not be influenced one iota by whatever we think here in the U.S. Senate, although it is not immoral for us to say that we would like to see this matter resolved, we would like to see Eastern continue, and we would like to see some way of all parties being benefited thereby.

But that is my problem with the sense-of-the-Senate resolution as it is presently drafted. I would have to object to it unless the Senator would be willing to take that line out. If he does, I would support it. I would vote for it and would support the distinguished Senator from Florida, and I think rightly so, and feel good about it.

Mr. GRAHAM. Mr. President, if I could respond, first I think the U.S. Senate has a very significant role in this issue. It was this body with our colleagues in the House which a decade ago deregulated the airline industry on the assumption that there would be a competitive marketplace which would assure that the public was served with quality, affordable air service. That assurance is one under serious threat as the number of major carriers rapidly diminishes.

Mr. GARN. Mr. President, will the Senator yield on that point?

Mr. GRAHAM. If I could finish.

Mr. GARN. Sure.

Mr. GRAHAM. To me that is the basis upon which we have a legitimate role in this issue.

Mr. GARN. If the Senator will yield, if we made a mistake in doing that, then we ought to correct it with legislation. If we did not make a mistake, then we ought to let the system run. That does not mean we cannot say that we hope you will do the very best job you can which is what this resolution otherwise says.

But when we start saying that you have to do this or that as a bankruptcy court because the U.S. Senate thinks it is the right thing to do, I think that is a little different.

Mr. GRAHAM. I answered the first question that the Senator asked, what was the legitimacy of our involvement in this issue.

Second, as I indicated in response to the questions from the Senator from Arizona, this language in no way can be interpreted as mandating a directory to the bankruptcy court, other than the language in the first phrase which talks about the urgency of getting all parties to reach a resolution. Instead of taking action leading to the restoration of service, we may be taking action to preside over the burial of a once great, important competitive part of our Nation's commercial aviation system and a significant international carrier.

I believe that the language as contained in the resolve section is an appropriate directive of the sense of urgency to the bankruptcy court. It indicates a course of action, without mandating that or any other course of action which the bankruptcy judge may feel to be appropriate.

Mr. GARN. If I could respond, the role of the Senate, of course, has been to enact along with the House the Bankruptcy Act, which leaves the decision whether a trustee is appointed or to be appointed by the court to the court itself and, of course, sets the criteria or standards regarding any particular appointment of a trustee.

What I am concerned about is our continual interference in what really now is litigation, what really now is the court process, what really now is the process that is out of our hands. If there is some way to correct it legislatively, that may be the way to do it.

But when you file a sense-of-the-Senate resolution indicating that this is what you would like to have done, then it seems to me that is a little bit more. That is an interference that really is not justified under the circumstances.

So I have real difficulty with it from that standpoint.

I think the rest of it is acceptable, even though I am not sure that it is necessary under the circumstances.

My experience with bankruptcy courts is they will do what they think is right as they should and they do not need influence from us or anybody else to do what they believe to be right.

Mr. GRAHAM. Mr. President, this is reminiscent of the discussion that the Senator from Utah and I had, I believe, in the second week of March in the first few days after this strike commenced.

The arguments that the Senator from Utah made then are the ones that he makes today almost 3 months after the strike started.

I believe that there is at stake here more than a management-labor conflict. There is more than a commercial relationship between borrowers and lenders, between debtors and creditors. There are important public issues at stake in terms of the preservation of a competitive commercial airline industry.

The essential point that this sense-of-the-Senate resolution makes is to convey to all parties, including those who are in dispute and those who are attempting to resolve the dispute, that there is a public interest involved and that there is a sense of urgency to get on with this matter or we will not have the opportunity to restore what had been an important, vibrant part of our Nation's commercial aviation system, Eastern Airlines.

Mr. HATCH. Let me ask the Senator a question. If I understand the Senator's comments correctly, the Senator is saying that the sense-of-the-Senate resolution basically may include appointment of an independent trustee. The Senator would give equal weight that it may not include the appointment of an independent trustee, is that correct? In other words, it is going to be up to the bankruptcy trustee?

Mr. GRAHAM. There is no intention by that language to direct what the bankruptcy trustee should do.

Mr. HATCH. Then I have a suggestion to satisfy the Senator from Utah in his attempt to help the Senator from Florida. Why do we not just say then, in the last few lines, beginning with line 9, "which may or may not include appointment of an independent trustee"? Because that is basically what the Senator said. That would satisfy me and I think then I could support the resolution.

Would the Senator modify the resolution in that regard? That basically makes it clear.

Mr. GRAHAM. The Senator from Florida would be willing to take that under advisement. I take note of the fact that we have arrived at the hour of 4 o'clock which, by previous order, was the time at which we were to turn to another matter.

Mr. HATCH. I will be happy to go with that if the distinguished Senator would do that, because that is basically what he said. It would make it clear in the RECORD itself in the actual resolution and you could then voice vote this resolution.

Mr. GRAHAM. I would like to take that suggestion, which I accept as a very legitimate effort to move this matter forward, under advisement. I will at the appropriate time, after we complete the business, which I gather is now before the Senate, attempt to do so.

Mr. HATCH. Will the Senator allow the Senator from Utah enough time to get back to the floor?

Mr. GRAHAM. Yes.

Mr. BYRD. Will the Senator yield?

Mr. GRAHAM. Yes.

Mr. BYRD. Mr. President, I understand Mr. BIDEN may be another 5 minutes in reaching the floor, so I would suggest the two Senators proceed if they can work this matter out.

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. GORE). Without objection, it is so ordered.

ESSENTIAL AIR SERVICE AND ADVANCE DEFICIENCY PAYBACKS

Mr. CONRAD. Mr. President, I just want to take a few moments, while we are waiting for Senator BIDEN, to commend the Appropriations Committee for two elements of this legislation that are critically important to my State. First, Mr. President, the essential air service supplemental, which is just over $6 million, will continue essential air service which provides the critical link to the outside world for rural communities, several of which are in my State.

I want to especially thank the chairman of the Appropriations Committee, Senator BYRD, and my colleague, Senator BURDICK, for their leadership on this issue. I know that Senator BYRD has been a staunch ally on this matter throughout the process and, of course, my colleague Senator BURDICK has always had a special interest in this matter. I want to thank them both because this is terribly important to our State.

Second, Mr. President, on the advance deficiency paybacks on those bushels that also received disaster relief, as the Chair knows, the original legislation last year would have had that advance deficiency deducted from disaster payments. I authored an amendment which deferred the payback until July 31. And now, in this legislation, the payback is further deferred until December 31.

Mr. President, that is critically important. Our State is still suffering from a drought. As I was touring the State of North Dakota last week, in town after town I had farmers come to me and say:

Senator Conrad, I would have to borrow the money to pay back the advance deficiency and we still don't know if we are going to have a crop this year. Please, please do whatever you can to put off the payback of the advance deficiency until we see whether we have drought again this year. If we do, some of us will move to get the advanced deficiency payback forgiven completely.

Again, I would especially like to commend my colleague Senator BURDICK, who has led the fight on this issue, which again is critically important not only to my State, but many other States that were devastated by drought, and I also want to especially thank the chairman of the Appropriations Committee for a sympathetic ear. His State is not one that benefits. His State is one that has had other hardships, and we have tried to be sensitive to those hardships. We very much appreciate his attention when our States are badly hurt.

With that, Mr. President, I want to again thank my colleague, the senior Senator from North Dakota [Mr. BURDICK] for taking the leadership on this issue and also thank, again, the chairman of the Appropriations Committee.

I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Dakota for his kind remarks and I want to express my appreciation to him for the support that he has given to the chairman of the committee in my effort to get this bill passed and to conference. It does have very important appropriations items in it. Most of them are dire emergency items, the others are urgent emergency items, and the essential air service item is one about which he has spoken to me on a number of occasions. He has addressed his interest on this time and time again to me and I am happy to join with him and with his senior colleague, Mr. BURDICK, in pressing for $6.6 million so as to enable these airline services to continue until the first of the coming new fiscal year. Otherwise, these 155 communities all over the country are going to suffer a loss of this essential airline service come July 1. And that is not far away. So I thank him for his support, I appreciate very much his kind remarks.

AMENDMENT NO. 119, AS MODIFIED

Mr. GRAHAM. Mr. President, I ask we return to the consideration of the sense-of-the-Senate amendment, which I had offered.

The PRESIDING OFFICER. That is the pending question.

Mr. GRAHAM. Mr. President, I ask that the sense-of-the-Senate amendment be modified in two regards. First, on page 2, at line 7, after the word "wage" to add the word "concessions"; and on page 3, line 9, after the word "may" to add the phrase "or may not".

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I believe the managers on this side are in a position to accept this amendment.

Mr. HATCH. If the Senator would yield?

Mr. BYRD. Yes.

Mr. HATCH. I think the modifications are satisfactory to this side.

Mr. BYRD. Mr. President, if I may continue, I believe also the chairman of the Appropriations Subcommittee on Transportation has indicated he has no objection. So, we are willing to accept the amendment as modified.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Yes. Mr. President, I would like to ask for the yeas and nays.

The PRESIDING OFFICER. The request is still pending. Is there objection to the request? Hearing none——

Mr. HATCH. Mr. President, reserving the right to object, I do not see any reason for the yeas and nays. It will save time of this body if we did not go to the yeas and nays and we pass it by unanimous consent. And I think that would be effective. I would like to ask the Senator to consider withdrawing the request for the yeas and nays at this late hour on this day when people are trying to leave.

Mr. GRAHAM. Mr. President, I would like to repeat my request for the yeas and nays.

The PRESIDING OFFICER. Pending is the request for the unanimous consent to modify the pending amendment.

Is there objection to the request to modify the pending amendment as described?

Hearing no objection, the request is granted.

The amendment (No. 119), as modified, is as follows:

At the appropriate place, insert the following new section:

SEC. . RESTORATION OF EASTERN AIRLINES.

(a) FINDINGS.—The Senate finds that—

(1) the operations of Eastern Airlines have been substantially shut down since March 4, 1989, by a strike by the International Association of Machinists with the support of pilots and flight attendant unions;

(2) Eastern Airlines filed a petition under chapter 11 of title 11, United States Code, on March 9, 1989;

(3) Texas Air Corporation, which controls Eastern Airlines; had negotiated for the sale of Eastern;

(4) the organized employees of Eastern had agreed to provide a potential new owner with substantial wage concessions;

(5) the deregulation of the airline industry by Congress was predicated on the anticipated continued existence of strong, independent airlines, such as Eastern Airlines;

(6) the Bankruptcy Court has the power to appoint an independent trustee to manage Eastern's return to operation during the interim period, leading up to the consummation of the sale agreement and transfer of control to a potential owner, and

(7) the return of Eastern Airlines to full operation is in the public interest and in the best interest of the creditors, employees, and customers of Eastern as well as the economies of the communities, States and regions of the United States that Eastern serves.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Bankruptcy Court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may or may not include appointment of an independent trustee, pending sale of the company.

Mr. BYRD. Mr. President, the distinguished Senator is certainly within his rights to ask for the yeas and nays and if he insists, why I will certainly join him in asking for the yeas and nays. I would simply express the hope that he would not press the request. I hope that Senator BIDEN is ready to avail himself of the opportunity, now, to take advantage of the order which was entered recognizing him at 4 o'clock for the purpose of calling up his amendment. If we have a rollcall vote here that is going to take until 4:30.

I would like to dispose of the Biden amendment before the day is over.

I see the distinguished majority leader on the floor. I would like to have his indication as to how much longer we can go.

Mr. President, I do not believe that Mr. BIDEN is quite ready to offer his amendment. So, if the distinguished Senator insists on the yeas and nays I suggest he go ahead.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment, as modified, of the Senator from Florida.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I also announced that the Senator from Iowa [Mr. HARKIN] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—94

Adams	Ford	McClure
Armstrong	Fowler	McConnell
Baucus	Garn	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Gorton	Moynihan
Bond	Graham	Nickles
Boren	Gramm	Nunn
Boschwitz	Grassley	Packwood
Bradley	Hatch	Pell
Breaux	Hatfield	Pressler
Bryan	Heflin	Pryor
Bumpers	Heinz	Reid
Burdick	Helms	Riegle
Burns	Hollings	Robb
Byrd	Humphrey	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sasser
Conrad	Kennedy	Shelby
Cranston	Kerrey	Simon
D'Amato	Kerry	Simpson
Danforth	Kohl	Specter
Daschle	Lautenberg	Stevens
DeConcini	Leahy	Thurmond
Dixon	Levin	Wallop
Dodd	Lieberman	Warner
Dole	Lott	Wilson
Domenici	Mack	Wirth
Durenberger	Matsunaga	
Exon	McCain	

NAYS—0

NOT VOTING—6

Harkin	Lugar	Sarbanes
Inouye	Murkowski	Symms

So the amendment (No. 119), as modified, was agreed to.

Mr. MITCHELL. Mr. President, for the benefit of my colleagues, many of whom have asked in the last few hours the plans for the further consideration of this measure, I would like to now state that following consultation with the distinguished Republican leader, the chairman of the Appropriations Committee, and the ranking member of the Appropriations Committee, attempting to accommodate the interests of as many Senators as possible, I believe the best course, considering our need to dispose of this legislation, will be to continue on this matter this evening, to dispose of as many amendments as possible, which means that there will be two or three more rollcall votes this evening for which Senators should be prepared, then while continuing in session tomorrow and to consider amendments, and on Monday, if necessary; that there not be any rollcall votes either tomorrow or Monday but that any votes to occur as a result of amendments considered on tomorrow and on Monday, if necessary, be stacked on Tuesday, at which time it is our earnest hope we will be able to complete action on this matter.

So to summarize for the benefit of Senators, we will have further consideration and rollcall votes this evening, two or three more. There will be a session tomorrow and Senators with amendments will be requested to be here to present their amendments. At the conclusion of business tomorrow, we will determine whether a similar session will be necessary on Monday. But in any event, there will not be any rollcall votes tomorrow or Monday. There will be under this schedule the possibility of several rollcall votes on Tuesday afternoon. I will determine the appropriate time for that, most likely beginning late Tuesday afternoon to accommodate the interest of Senators.

I thank Senators for their cooperation. I am especially grateful to the distinguished manager of the bill, the chairman of the Appropriations Committee, and to the distinguished Republican leader, who have been most helpful and accommodating to me and other Senators in this regard.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The President pro tempore.

Mr. BYRD. Mr. President, I do not like this arrangement. Let me preface what I shall say further with this statement. The distinguished majority leader discussed this matter with me, and under the circumstances which confront him I think this is the best we can do.

I have been in his position, and I know the pressures that are on him. There comes a time when he needs somebody to stand up for him. Very few times did anyone ever stand up for me. This is all right; that went with the turf. But is is about time somebody helped the majority leader and the Republican leader to encourage our colleagues to act in the best interests of the Senate rather than what is in the best interest of the convenience of Senators.

Here we have a dire emergency appropriations bill—veterans' medical services, essential air services, 155 communities over this country that need essential air service and come July 1, 155 communities over this country are going to be devoid of any airline serv-

ice whatsoever. We have several other items in this bill of importance to the Veterans' Administration. We also have food stamps. We have money for foster child care.

This is a dire emergency appropriations bill. This bill has to go to conference. I happen to know what we are going to be up against in conference. It is going to be tough, and come mid-June—and next Tuesday will be the 6th—we are going to see some of these veterans' services curtailed if this bill is not signed into law by then.

I want to bend over backwards to accommodate Senators. I do not envy the situation in which any leader here finds himself. I do not like this way of operating on a supplemental appropriations bill. It is my responsibility to try to get this bill through this Senate. It is not my responsibility to try to work in such a way as to make it convenient for every other Senator here. The leader is the prisoner of Senators, and always has been. Any Senator can object to time agreements, they can make it tough on the leader, and any one Senator can make it difficult for every other Senator. I have seen some Senators from time to time who are willing to be selfish enough to look out for their own convenience, and to hell with everybody else's and the Senate's, too. I am tired of doing business as usual with this supplemental. We have had run after run already on the drug subject with respect to this bill. We had it in the committee yesterday. And we are going to have more drug amendments. Senators have a right to call up those amendments, of course.

But when are we going to end this effort to pile more money on this bill for drugs? I will address that problem when the next amendment is called up.

But I simply want to say this: I am urging Senators for Heaven's sakes to restrain their desire to call up amendments that have no business on this bill. We went through 1 hour and 45 minutes earlier today dealing with a sense-of-the-Senate resolution. We just had another sense-of-the-Senate resolution a few minutes ago, and had a rollcall vote. These are important to Senators who offered the amendments. But this bill, the supplemental, is not a catch-all for everything coming and going. These amendments have no business on this bill.

And there are sections of the Budget Act under which, if a point of order is made, upheld and then overruled, or if a motion to waive the Budget Act carries, the bill is in jeopardy. And another point of order against the bill can then put it on the calendar, not back in the committee. When it is put back on the calendar, under 302(f) or 311(a), the Appropriations Committee has no remedy. It cannot get to the bill. The bill is on the calendar.

If more money were needed for drugs, I would be in the forefront of the effort to appropriate money for drugs. Every Senator has a right to call up amendments. Senators have a right to be heard.

But can we not stop it at some point? We can finish this bill by tomorrow under the program that has been laid out by the majority leader. We could have those rollcall votes tonight on these more serious amendments. Senator BIDEN has an amendment that will require a rollcall vote, and there are one or two others. Some of these amendments that are on this list have already disappeared. Some of them can be worked out and possibly adopted. Others hopefully will disappear as time goes on.

So if we will confine ourselves now to the drug amendments, and if those who have other amendments, will stay here, I will stay here until midnight, if need be to work with Senators on amendments.

I will be here tomorrow.

Time for fun and games is about over. There has been a lot of talk about all the bullets we are going to have to bite next year. We had better start now. I want to take this opportunity to thank those Senators who have supported my points of order. Other votes have not been easy for the Senators who have supported me on these points of order. It is easy to go home and say I voted for the money for drugs. It is a good political vote. So it takes a little bit of gut, backbone, and steel in that backbone to vote against these amendments. They are politically potent.

But I commend Senators who have had the courage to go the hard way and oppose the amendments. They have been willing to stand up and vote to uphold the rules of this Senate, of this Budget Act, which we enacted, and with which we have to live.

All this talk about biting the bullet next year, to bring this budget under control is just so much more wind if we do not start now. We are trying to keep this bill within reasonable bounds to avoid a veto, and to avoid adding more to the budget deficit.

I thank the distinguished majority leader for his cooperation. He has been very considerate. I thank the Republican leader who has been likewise, and Mr. HATFIELD. I thank Senators on both sides and especially thank the members of my committee, who have supported the points of order.

So having said that, let me urge Senators to let us know what amendments you have. If we can work it out, to accept your amendments, we will. Let us try to finish this bill tomorrow, so we can get on to conference by Monday or Tuesday of next week.

Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Delaware.

Mr. BIDEN. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Delaware is recognized. Is there objection?

Mr. BIDEN. I yield to the Senator from New Jersey [Mr. BRADLEY].

Mr. BRADLEY. I thank my distinguished colleague from Delaware, and I wonder if the distinguished Senator from Maryland, the subcommittee chairwoman for VA, HUD, and Independent Agencies and EPA will yield for colloquy.

Ms. MIKULSKI. I will be happy to yield to the Senator from New Jersey for such purposes.

Mr. BRADLEY. I want to bring to the attention of the subcommittee chairperson a dire circumstance affecting the city of Camden, NJ. Camden is one of the poorest, neediest cities in the country, in terms of schools, housing, roads, drug problems, and now its water supply is in danger.

Nearly 12 years ago, chromium was detected in one of the major wells supplying water to the city of Camden. It is highly toxic, and it is a mobile contaminant, and it is really from an unknown source. Seven years ago a second well was contaminated. Five years ago a third well was contaminated, and now a fourth well is endangered.

There is a procedure called Ferris Ion electro-chemical precipitation, which can remedy the situation for a very small amount of money, several hundred thousand dollars—$600,000 to be exact—and according to the New Jersey Department of Environmental Protection, the situation is really desperate. If there is a drought or if the wells cannot be recovered or contamination spreads, the entire water supply for the city of Camden could be endangered.

I recognize that this is a supplemental proposition, and there are other things in this which are enormously important, veterans' benefits and others, but I wonder if the distinguished subcommittee chairperson would be willing to include the necessary $600,000 in the subcommittee's 1990 appropriation bill.

Ms. MIKULSKI. I want to commend the Senator for bringing this matter to my attention. As I understand it, this would be a prototype. It would have significant national interest, and there is no doubt that Camden has been under siege on this issue. I want the Senator to know that I am going to make every effort to accommodate his request in our ordinary appropriations request as we go through it for fiscal 1990. We will put the green eyeshade on and see how we can help Camden and do everything we can.

Mr. BRADLEY. I thank the subcommittee chairwoman very much. The essential aspect of the health of society is a clean, safe, abundant drinking water supply that is endangered in Camden today, and I appreciate your sensitivity to that issue.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. Mr. President, I understand that the Senator from Arizona is going to make a unanimous-consent request.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senator from Delaware yield the floor to me for 5 minutes to offer an amendment that I understand the chairman of the committee and ranking member is prepared to accept, dealing with the Stinger missile in Bahrain.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator is recognized for 5 minutes.

AMENDMENT NO. 120

(Purpose: To establish responsibility for missile nonproliferation policy in the Department of State)

Mr. DECONCINI. I thank the Senator from Delaware, and I want to ask also that the Senator from Hawaii be able to speak, who is on his way over hear, I believe, because he wants to participate in this.

Mr. President, I send an amendment to the desk on behalf of myself, Mr. KASTEN, Mr. LEAHY, Mr. SPECTER, Mr. HOLLINGS, and Mr. INOUYE.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] for himself, Mr. KASTEN, Mr. LEAHY, Mr. SPECTER, Mr. HOLLINGS, and Mr. INOUYE proposes an amendment numbered 120.

Mr. DECONCINI. I ask unanimous consent that reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . RESPONSIBILITY FOR NUCLEAR, CHEMICAL, BIOLOGICAL, AND MISSILE NONPROLIFERATION.

(a) RESPONSIBILITIES.—The responsibilities of the Undersecretary of State for Coordinating Security Assistance Policy shall include—

(1) coordinating United States diplomatic efforts to obtain the agreement of all appropriate countries to a missile technology control regine encompassing chemical, biological, and nuclear capable missiles; and

(2) coordinating policies within the United States Government on strategies for restricting the export to foreign countries of components of missiles which are capable of carrying nuclear, chemical, or biological weapons.

(b) REPORT REQUIRED.—The Secretary of State shall submit within 90 days of the date of enactment of this Act to the Speaker of the House of Representatives and the President pro tempore of the Senate a report setting forth the Administration strategy for dealing with the missile proliferation issue, and specifying the steps taken to ensure that adequate resources will be allocated for the purpose.

(c) CONTENTS OF REPORT.—The report required in subsection (b) shall contain, but is not limited to—

(1) a discussion of efforts that can be made to strengthen the Missile Technology Control Regime to rstrict the flow of Western missile hardware and knowhow;

(2) a discussion of ways to strengthen international arrangements, including the formation of a new international organization, to monitor missile-related exports and compliance with missile nonproliferation efforts; and

(3) a discussion of how incentives and threats of sanctions can be used to win the cooperation of more nations in controlling missile proliferation.

SEC. . TEMPORARY SUSPENSION OF RIGHT TO REPURCHASE STINGER MISSILES.

Notwithstanding section 573(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, and section 566(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, the United States hereby suspends its obligation to repurchase Stinger antiaircraft missiles from Bahrain until October 31, 1989.

Mr. DECONCINI. I have a statement explaining this amendment in great detail. I thank Senators KASTEN and LEAHY and others who participated in reaching this compromise. I particularly want to thank the chairman of the committee, Senator BYRD, whose staff has worked with our staff for many, many hours.

Mr. President, this amendment accomplishes three major things: Under present law, the Stinger missiles that were permitted to go to Bahrain in the fiscal year 1988 foreign operations appropriations bill are slated to come back as of June 22, 1989, under a buy-back agreement.

Things have changed, Mr. President. Bahrain has been very responsive to our needs in the Persian Gulf. Yet, there is a strong feeling here with Senators SPECTER and KASTEN and others, that the proliferation of these technologically advanced weapons is something with which we should concern ourselves. And the amendment does a couple of things: It requires the Secretary of State and the Under Secretary's office to report to the President pro tempore and the Speaker of the House with a plan and a strategy setting forth how they are going to deal with the nonproliferation of missiles, whether they are biological, chemical, or nuclear or this type of a Stinger missile, with the goal of slowing down the proliferation of these weapons systems.

This document must come to the Senate and the House within 90 days. After that is done, then we have an opportunity to respond. In light of that, as part of the compromise and after speaking with Under Secretary Eagleburger last night, we need to extend the buy-back provision until October 31, 1989. Thus, the permission to have the Stinger missiles in Bahrain will be extended until that time.

Obviously, if the State Department does come back with a comprehensive plan, as they have indicated they will, to address the problem of the tremendous amount of high-technology missiles being sent all over the world, not to mention the Middle East, then we will address the problem of permitting Bahrain to keep the Stinger. Let me say quickly, Mr. President, that in the Middle East alone, almost $500 billion of highly explosive delivery system weapons have been sold to this area of the world in the last 10 years. Last year, or the year before last, in 1987, it was about $140 billion. Seventeen percent of that comes from the United States; most of it goes to Israel and Egypt, but also to other countries.

It seems to some of us, Mr. President, that it is time that we, as a nation, take a strong stand on nonproliferation. We have done it with nuclear weapons. We ought to do it with chemical weapons and with the sophisticated armaments being sold in the Middle East and around the world. The Senator from Oregon has been a leader in the nonproliferation area for a long time and supported this amendment last year. The amendment to bar Stinger missiles in the whole Persian Gulf area passed the full Appropriations Committee 16 to 11 last year. We worked out this arrangement for Bahrain because of certain strong feelings that the administration, particularly General Powell, the National Security Adviser had at the time.

So I think this is a good compromise, and one that I hope the Senator from West Virginia and the ranking member will accept.

I realize the difficult position that the Senator from West Virginia is in with regard to completing action on this bill.

But, Mr. President, the clock is ticking as increasingly deadly missiles continue to proliferate throughout the developing world. We have seen thousands of people killed by the use of chemical weapons in the Iran-Iraq War. India has just successfully tested its AGNI missile in the Indian Ocean. Within the last 2 weeks, a ballistic missile, from some unknown country, landed in Pakistan. The fragile tinderbox known as the Middle East continues its precarious balance between life and senseless death.

Last year in the World Military Expenditures and Arms Transfers, 1987, the Arms Control and Disarmament Agency estimated that the countries in the Middle East, excluding Egypt and Israel, spent $450 billion on military expenditures. This included $140 billion in total arms imports, with another $20 billion in arms imports if Egypt and Israel were included. If you can imagine $160 billion worth of arms

imported in 1 year into the small, confined area of the Persian Gulf, you can easily see how destabilizing and threatening this is to world peace.

Unfortunately, the executive branch has yet to develop or even focus upon a credible missile nonproliferation policy. As many of my colleagues know, I have been focused on this issue for quite some time. At first, my interest grew out of the sales of Stinger missiles to Saudi Arabia. The Stinger, as my colleagues know, is the ultimate terrorist weapon. In the hands of a terrorist, it can easily destroy a civilian aircraft. Ultimately, the Stinger was sold to the Saudis with stringent recordkeeping and safety provisions attached.

The Stinger went to the Afghan freedom fighters. I supported our policy toward the Afghan fighters but tried to ensure that strong safeguards were placed on the Stinger at the time. Without the proper safeguards, some Stinger missiles found their way into Iran and Qatar. Iran used a Stinger to shoot down a U.S. helicopter in the gulf. We must stop these and other weapons from being passed out like cigars.

The proliferation of this one weapons system have had a profound impact on the region. Other systems continue to be introduced in the region by the United States, Germany, France, Great Britain, and many other international salesmen. The amendment I am proposing today would assist the administration and the State Department in developing a credible, U.S. nonproliferation policy. The amendment has been worked out after many lengthy discussions with the State Department and many of my Senate colleagues.

With the amendment I am offering today, this country will begin development of a policy on proliferation of all chemical, biological, and nuclear weapons. The amendment would redesignate the Office of Under Secretary of State for Security Assistance, Science and Technology as the Under Secretary for Security Assistance, Science, Technology, Non-Proliferation, Arms Control, Strategic Trade, and Security Affairs. The amendment requires the State Department to provide a report to Congress within 90 days setting forth the administration's strategy for dealing with missile proliferation and specifying the steps taken to ensure that adequate resources are allocated for development of this policy.

My amendment would also delay until October 30, 1989, the mandatory buy-back of the Stinger missile which the United States sold to the Government of Bahrain for a period of 18 months. That buy-back is due to occur in 3 weeks on June 22. The delay of the buy-back gives the State Department adequate time to develop its nonproliferation policy. When the administration develops a credible nonproliferation policy and provides Congress with a solid report on implementation of its policy, then we can reexamine in October the status of the Stingers will remain in Bahrain. Without my amendment, the Stinger will have to be removed from Bahrain on June 22 of this year.

I strongly urge support for my amendment to send a signal that the Senate is concerned about the proliferation of these and other missiles throughout the developing world.

Mr. President, I realize the chairman and the Senator from Oregon have to process this bill with a minimum amount of amendments. This is a compromise with the administration. I know the Senator from Hawaii [Mr. INOUYE] may be here shortly. I will ask that perhaps he could have some time, at that time, and Mr. Chairman, I hope you are prepared to accept this amendment.

POLICY ON PROLIFERATION OF MISSILES AND WEAPONS

Mr. BYRD. Mr. President, I commend the efforts of the distinguished Senator from Arizona to develop some coherent and credible approach to the frightening proliferation of chemical, biological, and nuclear weapons in the Third World, along with the ballistic technologies to deliver them.

There is not any effective international organization, treaty, or regime which is acting to restrain the proliferation of these weapons and delivery systems, nor is there any effective U.S. effort to exert the needed leadership in this area. The purpose of the DeConcini amendment is to begin a process whereby the new administration develops a policy toward this end. The amendment provides for a report in 90 days on such a policy and the intent of the report is to galvanize a high level policy review and formulation on the matter.

Mr. President, events in the Middle East, particularly the activities of Iraq both in using chemical weapons and in developing a ballistic missile delivery capability to deliver them, illustrate the tinderbox we confront. As the distinguished Senator from Arizona has pointed out, many countries are vying to keep up with each other in acquiring these lethal technologies, not only in the Middle East, but in South Asia and in South America. It is going to be exceedingly difficult to restrain this development, but we ought to make a major attempt to take the lead and use both incentives and disincentives to encourage other countries to join us in this effort.

Mr. President, I wonder if we could dispose of this amendment and get on with the amendment by Mr. BIDEN and have Senators put their statements in the RECORD. I will simply say this: It is proposed to add amendments to this bill, and there is a delaying effect. In this case the amendment extends to Bahrain a Stinger buy-back provision, due to terminate on June 22, and this could be one opportunity to address the issue in a timely manner. I think there is an urgent crisis to address the buy-back on this bill. I support it, and I am willing to accept it, and get on with the next amendment.

Mr. DECONCINI. I thank the chairman.

Mr. INOUYE. Mr. President, I am supporting this amendment, because it allows Bahrain to retain United States-supplied Stinger missiles for its defense and, I would add, for the defense of United States interests in the Persian Gulf.

For more than 40 years, Bahrain has steadfastly and loyally maintained friendly relations with the United States. In time of crisis, when others hid from responsibility, Bahrain stepped forward and provided the United States with much needed assistance. It is not an excess of rhetoric to say that the United States could not have been so successful in its defense of freedom of the seas and United States interests in the Persian Gulf had it not been for the friendship and support of Bahrain.

Mr. President, I recently traveled to the Persian Gulf. On Easter Sunday, along with Senator HOLLINGS and Senator GARN, I attended sunrise services on board the U.S.S. *La Salle*, the headquarters afloat of the U.S. Mideast Forces Command. The men of the *La Salle* were not in doubt about the friendship and support provided by Bahrain. Our military leaders in the Persian Gulf are not in doubt about the friendship and support of Bahrain.

The *La Salle* is in Bahrain—we are able to defend our interests in the Persian Gulf—because of the support and facilities provided by Bahrain.

Later in the day, after having spent the morning aboard the *La Salle*, speaking with the officers and men of our Middle East task force, I met with the Amir of Bahrain and other members of the Bahraini royal family. I promised the Amir that I would do all that I could to see that the Senate and the Congress recognized the friendship Bahrain has shared with the United States.

Today, in supporting this amendment, I am—at least in part—fulfilling that promise. Bahrain will be able to defend itself, if necessary, with Stinger missiles provided by the United States in recognition of our friendship with Bahrain.

Mr. President, the Senate will have to act again on this issue at some time prior to October 31 of this year and I wish to assure our friends in Bahrain that I will seek to repeal the so-called

buy-back provision at that time. I believe that a growing number of Senators are becoming increasingly aware of the contributions Bahrain has made to our mutual defense. I am confident that we will be able to favorably resolve this issue—once and for all—prior to October 31.

Mr. President, I ask unanimous consent that a letter from Adm. William J. Crowe, Jr., the Chairman of the Joint Chiefs of Staff, be appended to my remarks and printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington, DC, June 1, 1989.

Hon. DANIEL K. INOUYE,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR INOUYE: As you know, the United States will soon be required by law to buy back the Stinger missiles sold to Bahrain in December 1987. Should this occur, the buy-back will do great harm to what has been one of this Nation's greatest foreign policy achievements in many years.

Bahrain has been a loyal and steadfast friend for 40 years, in a region not known for amicable relations with the West. Time and time again, Bahrain has supported our Persian Gulf policies. This support manifested itself in many ways, from the use of Mina Sulman piers, to the establishment of a naval enclave in Manama, to the use of Bahrain International Airport as a personnel and cargo transshipment node. Bahrain has also provided support for our Earnest Will operations, as well as immediate assistance to the U.S.S. *Stark* casualties. All of this was done by Bahrain at considerable risk. They have never failed or faltered in all the years we needed them.

The Stinger issue is critically important in Bahrain. Should the buy-back occur, the Bahraini royal family will lose a great deal of prestige, both domestically and abroad. Additionally, we would be sending a strong signal to our moderate Arab friends that the United States cannot be depended upon to reciprocate friendship.

Senator, I need your assistance in setting this matter right. You and several members of your committee have visited Bahrain, and voiced a desire to resolve this issue favorably. We now have barely three weeks to bring this to a successful conclusion. Now is the time for a concerted effort to achieve a legislative solution which will permit Bahrain to keep the Stinger. It is critical to our foreign policy in the Persian Gulf that we succeed in this effort to support a nation that has been so steadfastly loyal for so many years.

Warmest regards,
WILLIAM J. CROWE, Jr.,
Chairman, Joint Chiefs of Staff.

P.S. Senator I have received a number of personal letters from friends in Bahrain on this subject. It is difficult to overestimate how strongly they feel and how much a buy-back will hurt us there.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. Time is controlled by the Senator from Arizona on the previous unanimous-consent agreement.

Mr. DECONCINI. I yield to the Senator from Vermont.

Mr. LEAHY. As chairman of the Foreign Operations Subcommittee, the section out of which the bill would be amended, I also concur with the distinguished chairman of the full committee. I have no objection to it.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 120) was agreed to.

Mr. DECONCINI. I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. GRAHAM. Mr. President, I ask unanimous consent to be recognized for purposes of offering an amendment which I think can be disposed of in 2 minutes or less.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. What is the request?

Mr. GRAHAM. I ask unanimous consent to proceed for purposes of offering an amendment which has been agreed to by all parties relative to support of the process of democratic transition in Nicaragua.

Mr. BYRD. Mr. President, has the Senator cleared this with the distinguished ranking member?

Mr. HATFIELD. It has been cleared.

Mr. BYRD. If the Senator wishes to take that amendment up at this point and dispose of it——

Mr. GRAHAM. I ask unanimous consent.

Mr. BYRD. Posthaste.

Mr. GRAHAM. Posthaste.

The PRESIDING OFFICER. Without objection, the distinguished Senator from Florida is recognized.

AMENDMENT NO. 121

(Purpose: To provide up to $3,000,000 to support the process of democratic transition in Nicaragua)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. MCCAIN, and Mr. KASTEN proposes an amendment numbered 121.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 16, before the period, insert the following: ": *Provided further*, That there shall be available an additional amount for the "Economic Support Fund", $3,000,000, which shall be made available notwithstanding any other provision of law for the promotion of democracy in Nicaragua: *Provided further*, That this amount shall be derived from funds appropriated under such heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1987, or from funds earmarked under such heading in Public Law 100-202 for reconstruction and rehabilitation of the National University of El Salvador and other institutions of higher education in El Salvador: *Provided further*, That such funds shall be in addition to funds made available for the promotion of democracy in Nicaragua by Public Law 100-461".

Mr. GRAHAM. Mr. President, the amendment I am offering on behalf of myself, the Senator from Arizona, and the Senator from Wisconsin is revenue neutral and allocates previously appropriated money to be used to promote and support a democratic process in Nicaragua.

The money is similar to appropriations which have previously been made for that Nation and are currently contained in this supplemental appropriations bill for Poland.

Mr. President, I yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, Nicaragua's elections offer a great opportunity to bring peace and freedom to that nation. Unfortunately, the Sandinistas have thus far failed to provide a level playing field for the elections, instead insisting on formulating electoral rules that heavily favor their cause.

That situation has stimulated the attention it merits here in the United States. We must continue to focus attention on the situation in Nicaragua; the problem won't go away if we ignore it. If the elections are not fair, we will be standing here 8 months from now, going through yet another dreary, divisive Contra aid debate.

My colleagues, we can help ensure a free election. We can bring international pressure on the Sandinistas, we can show displeasure in our bilateral relations, and we can keep the Contras alive through the elections. We should endeavor to do all this, and more, over the next 8 months.

We can also help the democratic process inside Nicaragua. Senator GRAHAM and I have proposed a measure that would allow up to $3 million to be spent to fund democratic activities in Nicaragua.

The democratic opposition in Nicaragua faces an awesome challenge. The Sandinistas control the electoral process, the resources necessary for democracy, and the means of coercion. The opposition parties are united in the face of the dictatorship, but lack the

resources and the expertise to compete against the Sandinistas.

Mr. President, there is an urgent need for the funding Senator GRAHAM and I have proposed. Nicaragua's electoral activities have already begun; campaigning begins in August, and the election themselves are to take place February 25. This money will help the people of Nicaragua decide what kind of government they want.

This is not a Contra vote. This measure has nothing to do with the Contras. However, signatories to the bipartisan accord—those who had voted for and against Contra aid—have a special obligation to vote for this amendment. Only by contributing to the electoral process can we hope to ensure a free election in Nicaragua—and an end to the conflict in that country.

The Nicaraguan opposition is composed of some of the bravest people I have ever met. They renew one's faith in the belief that people everywhere want the right to freedom. These are brave men and women—people who suffered years of repression and imprisonment under Somoza, only to see their hopes dashed as another repressive regime led them into the same dank cells. The leaders of the opposition, and the people of Nicaragua, deserve our support in their effort to bring a democratically elected government to their nation.

I want to take this opportunity to thank the sponsor of this measure, Senator GRAHAM, for his foresight and dedication to democracy in Central America. I also want to commend his staff for the able and tireless effort that went into crafting this amendment.

I urge Democrats and Republicans, those who supported and those who opposed Contra aid, to unite in backing the democratic process in Nicaragua, and to show their determination by voting the small sum of $3 million to help bring pluralism back to Nicaragua.

Mr. President, this is an important amendment and one which is supported by both sides.

I thank my colleague from Florida for bringing this amendment at this time, which is a very appropriate time in the course of democratization in Central America.

I strongly support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Wisconsin.

Mr. KASTEN. Mr. President, this amendment by the Senator from Florida represents a compromise. It has the support of the administration, and I am hopeful that the Senate will adopt the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I also am known as one involved in the drafting of this compromise, and I compliment the other Senators involved in that. It is acceptable to the Senator from Vermont. I have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 121) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Thank you, Mr. President.

Mr. President, I would like to direct my opening comments here to my distinguished colleague from West Virginia, Senator BYRD. I know of no more competent, no more dedicated, no more skillful Senator that I have served with in the 16½ years I have been a U.S. Senator, but I have never known him to be so absolutely dead wrong on an issue, I say with all due respect, as he is on this.

The distinguished Senator from West Virginia said—I think I am quoting, but I am very careful about quotes, so I will say I am paraphrasing—something to the effect, "If I thought drug money was needed, it would be in here."

Well, if the Senator from West Virginia and apparently others on this floor think there is not a need for drug money, I think they have not had an opportunity to look at what is happening in America.

Mr. President, this bill is about urgent necessities in America. This bill is about urgency.

I stand here before my colleagues and say respectfully that there is no more urgent domestic need than dealing with the drug problem.

It was stated that there are certain things that have no business on this bill, and I agree with the chairman of the Appropriations Committee. But there are certain things that must be on this bill if we are to deal with urgent needs.

It was mentioned that we should bite the bullet. Well, at the risk of engaging somewhat in hyperbole, we are going to bite the bullet. You are more likely to bite a bullet in the back, bite a bullet in your head, bite a bullet in your shoulder, physically bite a bullet, if we continue to ignore this problem than from any other single possible cause I can think of. You are more likely to bite the bullet literally as well as figuratively from a drug addict, from a gang member peddling drugs, from the incidental spray of semiautomatic weapons fire while you are walking your wife home from a movie theater because you are caught in the crossfire that occurs in American cities every day of every year and it need not occur at night.

(Mr. LAUTENBERG assumed the chair.)

Mr. BIDEN. Mr. President, it was mentioned that this is a politically potent issue. It is not only a politically potent issue, it is a substantively potent issue.

It has been stated that some have drawn encouragement from the character of our colleagues' supporting the Chair. Well, I am not encouraged, but discouraged, by the hypocrisy of our body, the U.S. Senate, in dealing with this issue.

Why am I speaking about drugs during the debate on the supplemental spending bill while we are debating the dire emergency supplemental appropriations bill for fiscal 1989? That is the title. Dire and emergency supplemental appropriations bill for fiscal 1989.

And I ask what is more dire and emergency than the drug crisis?

In a recent series of Gallup polls, the American public has consistently told us that the problem they think is the most important, the most urgent, the most important confronting this country.

I see that the Presiding Officer of the Senate at the moment is a distinguished Senator from New Jersey. I need not tell him or the Senator from California, who is on the floor, or the Senators from West Virginia of Florida or Kentucky, all of whom are here, that the problem does not only reside in the ghetto sections of Washington, DC, alone or in great metropolitan areas like Miami or large urban centers like Newark, NJ.

It resides in Seaford, DE. It resides in small towns in all our States, towns where they are losing their confidence, their self-confidence, in their ability to control their schools, their neighborhoods, their streets, their parking lots, their 7-Eleven stores.

This drug epidemic is not merely killing people, it is killing the sense that we can control our own destiny in this country.

The American people understand it. They rated drug abuse as the most important problem in America, higher than the budget deficit, international tensions, AIDS, and the trade deficit. Crime and drugs top the public's list as problems on which we are losing ground. Sixty-five percent of all Americans think the problem is getting worse. And, guess what? They are right.

Additional polls have documented that the majority of Americans would support raising taxes if revenues were earmarked to fight crime and drugs. And Americans believe that drugs are a greater threat to our national securi-

ty—please listen to this—drugs are a greater threat to our national security, than terrorism, communism, or any other international problem.

And, guess what, folks? The American people once again are ahead of their leaders. They understand. There is nary a one of them who do not know the child of a friend, the husband or wife of an associate, the grandson or granddaughter of an old acquaintance that has not been touched by the drug problem either as a consumer, a victim of crime perpetrated to get the money to be able to be a consumer, or as a peddler.

Unfortunately, the public concern is well founded. Drug trade in the United States is estimated to exceed the net profits of all the Fortune 500 corporations in America combined—$115 billion. And this is not an urgent problem? This is not urgent?

More than 20 million Americans regularly use drugs. One in every six in the workplace—one in every six Americans regularly use drugs in the workplace. From 1985 to 1988, cocaine-related emergency room visits jumped 400 percent, while the price of cocaine dropped to one-third the level it was in 1985.

There are many programs that are important, many of them in this emergency supplemental, and these are tough times. I am not saying that drugs are the only problem confronting this Nation or that drug funding should be our only priority.

Defense. One of the most basic responsibilities of every government is to provide for the common defense. But I would ask my colleagues: What good is increasing our security abroad when this country is rotting from within because of drugs and because the security of every man and woman in this Chamber tonight is more in jeopardy when they walk from here to their automobile, from their automobile to the grocery store on the way home, from the grocery store to their driveway, and from their driveway to their front door, than it is from anything else that they are going to encounter, from exposure to disease to nuclear war.

I wish it were appropriate—it is not—but I wish it were appropriate that I could ask for a show of hands on the floor among staff members and Senators, for a show of hands in the people in the gallery, and ask you all: how many of you, when you get out of your car in a parking lot at night wonder, take extra precautions to where you park? How many of you worry about your mother who is home alone? This is not hyperbole, folks. Think about it. How many of you worry about those things? And this is not an emergency?

Health. It is clear that we need to finance health care for our children, prenatal health care, nutrition programs and so on. But what good are they if we keep increasing the number of children that are born addicted to cocaine, born addicted to heroin, born with deformities as a consequence of their parents alcoholism or drug habit? What good is prenatal care to those children?

Education. I supported basically every education increase, and make no apologies for it. But what good is it to give our kids the opportunity to have a low-income student loan when they are dropping out of schools like flies because of addiction to drugs?

An emergency? Are you telling me there is greater urgency to get the loan program out, which I support 1,000 percent, but there is not an urgency to put 500 more FBI agents on the street? Is that what you are telling me?

Well, you may—and everyone is entitled to their opinion—but, my goodness, I think we have our priorities backwards.

And let us look at our President. God bless him. Our President and the Congress have said drugs is the No. 1 priority.

Again, I ask a rhetorical question to all my colleagues who are listening on their televisions in their offices and all those who are here, and I ask all the staff members who are here and are listening to answer the following question to yourselves: How many times have you gone home to your district and said, "The drug problem in America is of crisis proportions and we must act"? How many of you have done that? How many of you, I ask rhetorically, have said that?

Or how many of you have even been as foolish as me and said what I deeply believe but maybe based on your votes you said only in a moment of rhetorical bliss, how many of you said, "There is no more urgent problem in America than fighting drugs"?

Well, if you said it, do me a favor. Stop saying it, because I like you all. I enjoy you all. And I will understand—I, of all people, will understand—if you have been excessive rhetorically. Mr. President, stop, because you are being phony in the extreme if you do not vote for this or some similar amendment.

Mr. President, the President, he came along and in his beautiful inaugural said, "The drug scourge will end." He promised us that. That is what he said. I do not remember him mentioning any other specific issue in his inaugural other than drugs. That was the only specific issue I recall. Maybe there were one or two others. I do not think so.

He promised he was going to end it. And 2 weeks later, sent up a budget that had $6 billion in it for drugs, an increase of a billion dollars over the level last year, but I might add, still a half billion dollars short of what is needed to fund the bill that we all voted for last year.

Last year, when I came back to the Senate, one of my first responsibilities as chairman of the Judiciary Committee was to comanage that bill. I was proud to manage it. I could not claim credit for the work on it because I had been absent for 7 months, but I came back and was given the honor and privilege of comanaging the bill. All of you, editorially speaking, stood and praised our collective efforts. We all went home and ran on it. The President, running for President—I believe this is a quote, but I will again be careful and say I am paraphrasing, said: "It is a landmark piece of legislation." And lined up every police agency he could to stand behind him, have their photos taken, and say: "I am your President. I am the law-and-order President. I am the President of the police agencies of America."

And guess what? We went home and we said we were not going to fund it. We did not come up with the money to pay for it. But then, what did we say, folks, on the floor? We all said, "Well, look. We have enough money to make it run and work from now to the time we get back in January. And shortly after we get back in January we will have a supplemental appropriations bill." I think that is what we are debating now; right? I think we have it before us. I will not be too facetious and ask the Parliamentarian to tell me what the business before the Senate is. I think it is a supplemental appropriations bill. But we all stood here—I should not say we all—a majority of the Members stood on the floor and said: "The reason why I am not voting for the funding scheme that Biden has, or others, is that we have enough money to get us to next year. But when we get to the supplemental, that is when we will put the rest of the money in."

Good idea. Well, guess what, folks? We are here. And then the President comes along, God bless him, and he announces comprehensive new anticrime offensive. Just days before, however, the President sent up a letter through OMB on the House side. That said: we don't want to include money for drugs in the supplemental, the Director of OMB says no. Do not do it. Do not do it. Do not include money for drugs.

I guess implicitly he is saying, the President really did not mean what he was saying for the previous 8 months. He is only kidding.

I have been talking sort of generically about a drug bill. Let us talk about what the drug bill has in it that we did not fund, folks, that is going to languish out there, that is not going to be put into effect. OK?

There is $15 million for FBI agents, new ones. The President comes along,

by the way, in this new drug crime package. I say to my friend from Florida, and Arizona here—no two people have fought harder on the crime and drug issues and I am not just being solicitous. It is true of these two Senators. He stood up, I say to my friend from Arizona, not but 2 weeks ago, and he said, with all the police agencies again arrayed behind him, and said I have a new crime package, a bold new crime package, and I am asking for the following things: I want more FBI agents. I want more money for U.S. marshals. I want more money for Alcohol, Tobacco, and Firearms. I want more money for new prosecutors and new judges. And I want more money for prisons.

Guess what, folks? The bill we passed last year had $15 million for new FBI agents, $5 million for U.S. Marshalls, $4 million for new drug agents, $44 million for new prosecutors and court resources. The very thing the President has announced to the American public he wants. We gave it to him. But he refused to fund it. He refused to ask for it. He refused. When the House said they wanted to do it, he refused to support it. And the very next week he walks out and says before all of America: Give me more money to fight crime. Give me more agents, prosecutors. What does he think happened? Are we not all a little curious?

Why is he against those FBI agents in the drug bill and for the FBI agents in his new bill? Why is he against $44 million for courts and prosecutors to arrest and prosecute drug offenders in the drug bill that he praised; why is he against them in the drug bill that he praised and for them in his new crime package?

Mr. President, I smell politics; raw, partisan politics.

Look, an FBI agent is an FBI agent is an FBI agent.

I say I am sure the President is not listening but hopefully, maybe someone in the White House is. I respectfully ask the President to do what I am going to ask my colleagues to do.

If you do not like the drug bill we passed last year, be man enough, Mr. President, to say so. Stand up and tell the American people that it is a bad new bill. You do not support it. You do not want the money for it because it is a bad bill and you now want to spend money in the bill. And explain to us why a new prosecutor under the drug bill is different than a new prosecutor under your bill; a new FBI agent is different than a new FBI agent under your bill; a new BATF agent is different than a new BATF agent under your bill. I do not understand.

Let us talk about what is not in the President's new crime package that is in the drug bill, beyond what I have said. We call for 200 new DEA agents; 250 new agents to stop drugs at the borders, for the Immigration and Naturalization Service, $125 million for State and local police agencies, to fund task forces and undercover operations—the people in your cities, the people in your towns. We passed it already. Why are we not funding it?

Well, colleagues, I think it is time that our action catch up with our rhetoric. While the President is promising new spending, he opposes funding for previously promised programs. Last month, as I said, his Budget Director wrote to the Congress threatening to veto this very supplemental bill that included antidrug funding for some of the 1988 drug bill. Less than a week later, the President promised to spend $1.2 billion in new money for anticrime and drug programs. I call that hypocrisy. Unless I missed something in the translation, unless the President is saying what is at stake here is that the drug bill was a bad bill, I made a mistake endorsing it, I want to jettison that and do this new bill.

Without the President, Congress has to take the responsibility. As I said, I bet every one of my colleagues—and I say this with great respect—I bet every one of my colleagues has called the drug problem our No. 1 national problem, our No. 1 priority.

I have before me, and I will shortly send to the desk, one of three amendments, all of which are designed to pay precisely for the drug bill we already passed, we already praised, and would already give the President almost everything he asked for.

By the way, I might add I wish someone in the Justice Department would read to the President what the law is now. My goodness, the President comes to my State and was very generous. He included me—unlike other Presidents. Most Presidents are very partisan. They come to your State, if you are a Democrat and he is a Republican President—they pretend there is only one Senator in the State. If you are both not Democrats and he is a Democratic President, he pretends there are no Senators in the State.

President Bush is an incredibly gracious man. He came and talked about drugs in my State, lauded me as one of the leading—I think he said leading—but one of the leading crime fighters, the author of the new drug czar legislation, leader in the area, et cetera. And in Delaware and in other statements he has said: Now, I have a proposal. I want the Congress to give me authority to do some of the following. He said: I want to have authority to send drug people to jail longer.

Mr. President, we passed a bill in 1984 that called for flat-time sentencing. We took away the judges' ability to use their discretion. They have to go to jail, Mr. President. You do not need additional legislation. You have it already. Mr. President, you said you wanted the death penalty for drug kingpins. Through the efforts of the Senator from Florida there is in the bill a death penalty for drug kingpins, Mr. President. You do not need it. You have it already.

You said, Mr. President, that you wanted tougher penalties for firearms violations. Mr. President, we have put tougher penalties into the Federal code. Automatic 5 years imprisonment, Mr. President. Do you want to up it to 10? Ask us; we will up it to 10 for you. But, Mr. President, you already have that authority.

Mr. President, you say you want to have tougher penalties and no parole and probation different than it is now and so on and so forth. Mr. President, we have already given you that authority. Mr. President, we have passed some 208 brandnew laws and procedures, Mr. President: 208 of them. You have all the laws you could possibly need.

Now, Mr. President, and my colleagues in the Senate, we do not need any more rhetoric. We do not need any more laws. What we need is some money to put where our mouth is. We have very little money in there for drug rehabilitation. You say, "So what, Biden? I do not care about those folks." Well, I say to my colleagues, when you do not rehabilitate them and there is about an 8-month waiting list in Newark, NJ, if somebody walks in off the street and says "I have a drug problem, I need help." There is about a 12-month waiting list in Miami, if I am not mistaken. In my little city of Wilmington, DE, there is close to a 4-month waiting list, a city of almost 89,000 people. These are volunteers who walk off the street and say, "I'm hooked. Help me," and they get no help. You say, "Well, so what, it's their problem." Well, I might feel that way, too, but guess what they do when they leave the drug rehabilitation unit they cannot get into? They walk out and they take your wallet. Literally, not figuratively. Over 50 percent of all the violent crime in America, all the violent crime in America is directly, inextricably, positively linked to drugs.

So you have somewhere on the order of 20 million regular users of drugs walking the streets. You either do one of three things. They either die of an overdose, which gets them out of the system: they either get put in jail, which keeps them out of the system for a while; or they get put in rehabilitation. If they do not, they either then have to be married to a banker, inherit a great deal of wealth, or they steal it from you.

Why do we not acknowledge that? Can anyone deny that? Can anyone in this body come forward and give me any refutation to the statement I just made? I challenge anyone, anyone.

And guess what? We are not funding the program. We are not making an attempt like we promised the American people we would.

Mr. President, there is much more to say, but I have been saying this for so long, going on 10 years now. For 10 years I have been calling this the most urgent problem in America. I remember making a speech in my capacity in the Foreign Relations Committee to a group of NATO parliamentarians saying what NATO should focus on is drugs and everybody looked at me like, to quote a friend of mine named Neil Kinnock, that I was draft.

Now, not that I have, but circumstances have everyone saying all the things we have been saying, the Senator from Florida and I and others when he was Governor and now a Senator for the past 8 to 10 years, we only have one more little step to go, folks. Now we are all saying it. We are all singing from the same hymnbook. We are all in the same church. We are all in the same pew. Now the collection is being taken up to pay for the lights, to pay for the minister, to pay for the hymnbooks, and to pay for the pews. We are almost there.

Mr. President, I respectfully suggest that there is, in fact, no issue as urgent. There may be as many issues, there may be other issues arguably that are as important, but none as urgent; none as urgent. Every minute, every hour, every day, more people die from drugs. They die forever; they die. That is my definition of urgency. We should either conclude that we do not have the time or ability or the money or the knowledge to deal with the issue or we should fund the attempt to deal with the issue.

I see my friend from Kentucky. What I am about to propose, he is not going to like, and with good reason. There are three different proposals I have to fund this drug bill. Quite frankly, I think it is time for abject honesty and candor. So I am going to try the most direct route. I want to tell you all precisely where the money is going to come from and how we are going to get the money if you support this amendment. And if you do not, I will not only be back on this bill, I will be back on every single bill that comes through this body until we either decide we do not support the drug bill or we are going to pay for it.

The proposal I have is a dedicated tax. It is a tax. No euphemisms. It is a tax. BIDEN is proposing a tax. You can write it down, "Biden is proposing a tax." One cent per can of beer. A little less than 1 cent, 5 cents a 6-pack. About 5 cents on wine; about 40 cents per quart of hard liquor and 2 cents per pack of cigarettes. I think there is a logic to that. And what we propose precisely matches what we need to pay for the outlays to fully fund the drug bill. So I think there is a logic to it.

Alcoholism is one of the major problems that America faces, and there are almost in every case multiple dependencies—alcohol and drugs. If you are a drug addict, you are almost always an alcoholic as well. You turn to alcohol when drugs are not available and vice versa. It seems to me it is not too small a price to pay. The same with tobacco.

AMENDMENT NO. 123

(Purpose: To amend the Internal Revenue Code of 1986 to increase the tax on cigarettes, distilled spirits, wines, and beer, and to appropriate the resulting revenues to fund the Omnibus Anti-Substance Abuse Act of 1988)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration and after that, I will yield time to my colleague from Florida.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. BRADLEY, Mr. D'AMATO, Mr. GRAHAM, Mr. DECONCINI, and Mr. MOYNIHAN proposes an amendment numbered 123.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of the amendment, number 123, is printed in today's RECORD under "Amendments Submitted.")

Mr. BIDEN. Pursuant to section 904(b) of the Congressional Budget Act, I will move to waive the provisions of that act for purposes of consideration of the amendment, and I will ask for the yeas and nays at the appropriate time, but I yield now to my colleague from the State of Florida.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The manager of the bill.

Mr. BYRD. This amendment has no time agreement, does it?

The PRESIDING OFFICER. There is no time agreement.

Mr. BYRD. So the distinguished Senator from Delaware cannot yield to another Senator?

The PRESIDING OFFICER. The Senator may yield only for a question.

Mr. BYRD. Yes. He is not in control of time?

The PRESIDING OFFICER. The Senator from West Virginia is correct.

Mr. BIDEN. Mr. President, in the interest of comity, rather than speak as I am inclined to do for the first time in 17 years for a long time, I will, assuming we can reach comity here on the floor, yield the floor and not seek getting it back again if I am assured that my friend from Florida will be able to be recognized at some point for 5 or 10 minutes, and my friend from Arizona. Before I even consider that, I ask unanimous consent that original cosponsors of the bill be added—BRADLEY, D'AMATO, GRAHAM, and DECONCINI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN, I guess what I am trying to say is that I have no intention to drag this out. I do not intend to speak any more except in response, if that is required. But I would like the opportunity, otherwise I guess I will have to speak for them for a while.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I have been in the Senate now going on 31 years, and in the two Houses on this Hill going on 37 years, and in politics going on 43 years. I have never been one to shut off somebody else from speaking for a few minutes at least.

Mr. BIDEN. Mr. President, that is good enough for me. I yield the floor.

Mr. BYRD. I have no intention of depriving the distinguished Senator from Florida [Mr. GRAHAM] from speaking. If I could, I merely wanted to call attention to the fact that the distinguished chairman of the Finance Committee, who is very much involved with this amendment, is here. I will yield the floor and let either of the Senators who can get recognition have the floor. It does not make any difference to me who gets the floor. But no Senator can take the floor and field out the time unless there is a time agreement and he has control of the time. I yield the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. If the Senator from Delaware and the distinguished Senator from Florida will not mind, I will only speak for a moment. And I am not here to debate the substance of what the Senator is discussing. I voted for an increase in the tobacco tax, to double it as I recall. I would vote that way again. But the problem we have in this one is that it is a tax and that is the problem we have from a procedural standpoint. The Constitution says a tax has to originate in the House and you cannot put a tax on a Senate bill and expect it to pass. The House feels very strongly about their constitutional position.

I was just corrected. I find we have a House bill here. It is not a revenue bill as I understand it, so I think you would run into some serious problems concerning that. I think you would find it is blue slipped. That is the last thing I want to have happen to the supplemental appropriations bill with veterans' benefits and other matters of great concern to us.

Then you run into the other problem. The President of the United States says he is going to oppose an increase in the tax. This is obviously a

tax, no question about it. If it did get by the House, if you could pass it, it still goes to the President and he vetoes it, you have a problem of trying to override it.

So apart from the substance of what my friend from Delaware is trying to accomplish—and I am sure the others who are about to speak on it—I want to see something accomplished here so far as this supplemental bill, that we get it through, that we accomplish its objectives. Unfortunately, this becomes an exercise in futility and you will not accomplish your objectives in the process. I would strongly urge that when the time comes we have a motion to table the amendment.

Mr. GRAHAM. Mr. President, I would like to speak briefly on three topics: cynicism, our collective future, and war.

In 1986, this Congress passed a major drug bill. In 1988, this Congress passed a major drug bill. It did not go unnoticed. Those two enactments occurred within weeks of the fall elections in each of those 2 years. It also did not go unnoticed that neither of those two enactments were funded. Those patterns of history, passing legislation within days of an election, and then not funding them, have created a deep sense of cynicism, and that cynicism is not limited to the White House. It is not limited to this Congress. It is a cynicism which is beginning to pervade the Nation as to our real commitment relative to drug abuse in America, as to the question of what priority do we give to this evil.

Mr. President, I am going to share a few anecdotes. This first goes back to January of this year when I was working as a 1-day drug education teacher in a small rural community in north Florida, Marianna, FL. That community has come together to be part of the Nation's war on drugs.

I met with, in addition to educators, religious leaders, law enforcement officials, civic leaders, black, white, young, old, a cross-section of the community, which has organized itself in a communitywide effort to deal with the full range of dimensions that will be necessary to protect the small community of Marianna, FL, from drugs.

They are getting ready to do some pretty exciting things. They are going to be adding some teachers to their schools so they can do a better job. They are going to be hiring some professionals who can help with their treatment programs. They are going to be adding some new law enforcement personnel and equipment to support those personnel.

They are depending on having an ally, the people of Marianna, in this war on drugs. Do you know who that ally is? Us.

They have read those drug bills of 1986 and 1988. They saw that we have a national policy—treatment on request in the next 5 or 6 years.

Well, what does that mean to Marianna? "We better get ready so we can provide treatment on request. We are going to provide the personnel and the facilities to do it."

What do you think the people of Marianna are going to think when they realize that those representations which we made are hollow, because the resources that they are expecting—they are not expecting 100 percent. They are just expecting a partnership—when they find that their partner is incredible, incredible in the literal sense of the word, not worthy of credibility. That, Mr. President, is going to be symptomatic of a pervasive cynicism about this institution's commitment to a national war on drugs.

Mr. President, the Tampa Tribune recently ran a column from the New York Times columnist A.M. Rosenthal entitled "Congress' Billion-Dollar Drug Scam."

Mr. President, I ask unanimous consent to have the column printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Tampa Tribune-Times, May 14, 1989]

CONGRESS' BILLION-DOLLAR DRUG SCAM

(By A.M. Rosenthal)

Question: When does $1.8 billion suddenly vanish?

Answer: When Congress plays hokeypokey public relations games with the voters to make them think it is out there fighting the drug war like mad.

In October 1988, Congress passed a supplemental drug bill laying out new goals and approaches. More money was to be spent on anti-narcotics treatment—attacking the demand for drugs but not skimping on law enforcement.

A respectable amount of money was authorized—$2.8 billion. Not enough, but decent and about $700 million more than the previous year.

As it turns out, however, Congress has actually agreed to spend only $961 million of that $2.8 billion. That is how $1.8 billion vanishes—up in a puff of congressional public relations smoke.

In Washington, that game is routine. Legislators, their staffs and lobbyists expect Congress to authorize, which means promise, one sum and then appropriate, which means shell out, a lot less.

What happened to that missing anti-drug money was what congressmen knew in advance would happen—the drug authorization ran up against reality.

The way things work, money is "authorized" by a committee with a special interest in the subject—drugs, health, agriculture, whatever. Congress passes the bill. Then it all goes to the Appropriations Committee, which can and often does knock the "authorized" sum way down.

It is a two-step process. The idea is that on the second step, cooler heads may prevail.

The hope is that public heat will be off and that the Appropriations Committee can deal in peace and quiet with the problems of budgetary restraint and how much is really left in the kitty.

Authorization bills usually get a lot of attention in the press. The actual appropriation of money usually gets little.

Reporters and editors may be bored with the subject by that time and the action takes place late at night, with a lot of items wrapped up and voted on. The drug bill is still often referred to as the $2.8 billion bill, not the $961 million bill.

Nobody is fooled—except the voter who was naive enough to think his cause, like the drug war, was generously funded.

Does it matter? You bet it does, and do not let legislative sophisticates tell you otherwise.

If the original authorization runs into an unexpected budget crisis that Congress could not have foreseen, fair enough. But what often happens is that Congress members know all along there is not a prayer of getting the authorization through the Appropriations Committee and thus turned into cash.

Most of them do not say a word about it to their voters, just pocket the political credit for an amount of money they know will never become real.

The word for that is deception. It is so deeply carved into the system that almost everybody takes it for granted, just part of the game. But it is still deceptive to the voter back home who many happen to care—say, about the drug horror.

The problem is not the cautious two-step system. It is the trickiness with which it is so often used to cool the heat from the public and get Congress members off an uncomfortable spot.

If some Congress members think the spot is worth standing on, they can fight for an extra appropriation later. Some of them—including Sen. Alfonse D'Amato, a Republican, and Rep. Charles Rangel, a Democrat, both of New York—think the anti-drug war is an honorable place to take a stand and say they will fight for more anti-drug funds.

Later this year the drug war will present another test of truth in voting. William J. Bennett, the federal anti-drug director, will give Congress his first assessment of what the drug war will cost.

Will he say, "This is how much the country needs to fight the war and I will fight if you cut it"? Will he tell Congress, "If you add a lot to it knowing full well your colleagues on the Appropriations Committee will cut it back, I will raise hell because I think the public should be told the truth before, during and after a legislative decision"?

Or will he decide that to get along he has to get along, and fooling the public one more time is not to heavy a price? It will be interesting to watch.

Bennett used to be secretary of education and made strong speeches about ethics and values.

Mr. GRAHAM. Let me just quote from a few paragraphs of that column. Mr. Rosenthal starts with this question:

When does $1.8 billion suddenly vanish?

His answer:

When Congress plays hokeypokey public relations games with the voters to make them think it is out there fighting the drug war like mad.

Mr. Rosenthal goes on to say:

In October of 1988, Congress passed a supplemental drug bill laying out new goals and approaches. More money was to be spent on anti-narcotics treatment—attacking the demand for drugs but not skimping on law enforcement.

A respectable amount of money was authorized—$2.8 billion. Not enough, but decent and about $700 million more than the previous year.

As it turns out, however, Congress has actually agreed to spend only $961 million out of that $2.8 billion. That is how $1.8 billion vanishes—up in a puff of congressional relation smoke.

In Washington, that game is routine. Legislators, their staffs and lobbyists expect Congress to authorize, which means promise, one sum and then appropriate, which means shell out, a lot less.

Mr. President, that is the cynicism with which we are dealing.

Mr. President, let me talk about the future. Let me start with some more anecdotes. We have just returned from the Memorial Day recess, and many of us had an opportunity to visit various areas in our States.

I would like to share three experiences which occurred in a 4-day period. On Friday, a week ago tomorrow, I was in another small town in north Florida, Madison, FL. It is a county which abuts the Georgia line. I was working as an emergency room secretary, technican, fill out the forms person. In a small rural hospital you do lots of things. As I looked over the list of people who had been in that hospital the previous night, and I was working the day shift, I was dumbfounded at the number of people in Madison, FL who had come to the emergency room of that small—it is a 42-bed hospital—because of a drug problem. Madison, FL, people being admitted because of drug overdoses. We admitted some people who were being tested by various employers, and law enforcement to see if they had a drug problem.

This is not an issue which is a Miami issue, a Newark issue, a Washington, DC, issue. This is a pervasive national problem and getting worse.

On Monday, I was in Key West, FL. I was sitting in a restaurant when a long-time friend, member of the city commission, Jimmy Weekley, comes up to talk to me. I thought Jimmy might want to talk about some housing project that the city was interested in with Federal funding or might be interested in water supply. The city of Key West has had lots of problems, needs, and challenges, for which there has been a partial Federal response. He did not want to talk about any of those things. He wanted to talk about drug treatment in Key West, FL. He said:

> Senator, we are overwhelmed. We have almost no capacity to deal with an enormous social problem that we have in this community, and we have to have your help to solve this problem.

Twenty-four hours later, on Tuesday, I was in Miami meeting with a group of black business leaders who had just put together an extremely ambitious plan for economic development in the black areas of Miami. Unfortunately, the country, the world knows more than I wish it had to know about the problems of the black inner city in Miami. I wanted to tell my colleagues that there is some hope, and that there are some very good, dedicated people in the community who are committed to building an economic base that gives hope and future to the people of those communities.

Again, the meeting was called on the topic. What can the Federal Government do to be a partner in this locally generated effort? Again, I thought maybe they would be talking about community development block grants, or maybe they would be talking about some program under the Department of Commerce, or a housing program, all of which are very much in need.

When I asked the question, what do you want the Federal Government to do to help you accomplish the goals of this plan, you know what the answer was? Drugs—we cannot start an economic development plan in our community unless we start by dealing with this enormous, pervasive, destructive, crippling drug problem. And we are going to need your help, Senator.

I want to tell the people in Marianna, Madison, Key West, and Miami that I am going to try to do the best I can to respond to what I consider to be their legitimate requests for a credible Federal partner in dealing with this issue.

I am concerned about what we did last year in not funding the 1989 level of commitment that we made in the drug bill. I would like to do what the Senator from Delaware suggested because I think it is the right thing to do. I also think that it moves us on a course that will begin to arrest this cynicism that we have now found ourselves subject to. But I am also concerned about where we are going in the future. This is not the long future. This is like the next few weeks future.

I would like to bring to the attention of the Senate, and ask unanimous consent to place in the RECORD, an analysis which has been conducted, Mr. President, by the Congressional Budget Office. I want to make a preparatory statement. These numbers are not exactly etched in stone. There has been a fluidity to the position of the administration as it relates to drug programs. These are as CBO found them to be on the 10th of May.

As of the 10th of May, the budget which the President has submitted for all of the array of programs under the 1988 drug bill would underfund that bill based on the authorization level which we approved just last fall, underfund it in budget authority by $1,857,000,000.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPARISON OF THE PRESIDENT'S (BUSH) FUNDING PROPOSALS FOR DRUG-RELATED ACTIVITIES AND THE ANTI-DRUG ABUSE ACT OF 1988

[Extrapolated authorizations for 1990]

	(1) Total authorization		(2) Baseline funding		(3) = (2) − (1) unfunded authorization		(4) Bush budget increment		(5) = (3) − (4) unfunded authorization	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Function:										
150—Internation affairs	138	50	110	41	28	9	10	4	18	5
300—Natural resources	15	12	0	0	15	12	11	9	4	3
400—Transportation	291	69	121	25	170	43	25	19	145	25
450—Community development	21	12	1	1	20	11	3	2	17	9
500—Education and training	456	74	436	68	20	6	(12)	(10)	33	17
550—Health	2,225	1,339	1,268	792	957	548	63	35	894	513
600—Income security	19	17	0	0	19	17	0	0	19	17
700—Veterans affairs	17	14	0	0	17	14	0	0	17	14
750—Administration of justice	2,631	1,672	1,976	1,363	655	309	(48)	(21)	703	329
800—General Government	155	18	4	4	152	14	144	7	8	7
Total	5,967	3,279	3,916	2,294	2,052	985	195	44	1,857	940

THE ANTI-DRUG ABUSE ACT OF 1988—UNFUNDED AUTHORIZATIONS (FISCAL YEAR 1990) ACCOUNTS WITH UNFUNDED AUTHORIZATIONS OF MORE THAN $50 MILLION

[By fiscal year, in millions of dollars]

Function/account	(1) Total authorization		(2) Baseline funding		(3) = (2)-(1) unfunded authorization		(4) Bush budget increment		(5) = (3)-(4) unfunded authorization	
	Authorization level	Outlays	Budget authority	Outlays	Authorization level	Outlays	Budget authority	Outlays	Authority level	Outlays
Function 400—Transportation:										
U.S. Coast Guard	229	39	121	25	108	14	16	13	92	1
Other	62	29	0	0	62	29	9	6	54	24
Total	291	69	121	25	170	43	25	19	145	25
Function 550—Health:										
ADAMHA	2,174	1,301	1,263	788	911	414	57	32	854	481
Other	51	38	5	4	46	34	6	2	40	32
Total	2,225	1,339	1,268	792	957	548	63	35	894	513
Function 750—Administration of justice:										
DEA	81	61	32	24	49	37	(14)	(11)	63	47
U.S. Customs Service	1,350	1,085	1,267	1,031	83	54	(118)	(92)	201	147
Federal Prison System, buildings and facilities	208	21	100	10	108	11	17	2	91	9
Office of Justice Programs	562	208	327	121	235	87	(82)	(30)	317	717
Other	428	297	249	177	180	120	149	111	31	9
Total	2,631	1,672	1,976	1,363	655	309	(48)	(21)	703	329
Other functions	821	199	551	114	270	85	155	11	115	74
Grand total	5,967	3,279	3,916	2,294	2,052	985	195	44	1,857	940

OFFICE OF JUSTICE PROGRAMS AUTHORIZATIONS AND FUNDING FOR FISCAL YEAR 1990

[In millions of dollars]

Program	Authorized level	CBO baseline	Bush request	Unfunded amounts	
				CBO baseline	Bush request
State and local grants	350	160	150	190	200
Juvenile justice	83	67	0	16	83
Bureau of Justice statistics	30	21	22	9	8
National Institute of Justice	30	22	25	8	5
Public safety officer death benefits	25	21	25	4	0
Other	45	37	24	8	21
Total	563	328	246	235	316

Mr. GRAHAM. It would underfund in terms of budget outlays by $940 million.

So, Mr. President, by our actions last year, and the actions we are going to be taking today on this supplemental appropriations bill, we are setting ourselves up for a much bigger failure if we refuse to recognize the legitimacy of this issue for 1990 than the one we have already inflicted upon ourselves for 1989.

Let me just point out two out of a potential set of examples of what this means. I mentioned the importance of drug treatment to that city commission in Key West, to the emergency room in Madison, and to the black business leaders in Miami. So what are we going to be doing about the treatment program? According to the bill we passed which has an upward inclined slope as we get closer and closer to this goal of treatment on request, we should be spending this year, in the fiscal year 1990, $2,174 million in authority and $1,301 million in outlays. That is an indication of how we are beginning to lay an upward guide slope to get prepared to meet this challenge of treatment on request.

The President's recommendations, however, would only fund approximately 65 percent of both of those two categories. We would be $854 million short in budget authority, and $481 million short in budget outlay in the treatment program area.

How are you going to tell those people back in Marianna that we are credible, we are going to be supporting their efforts to provide treatment? What message are we going to give to the folks in Key West or Miami who are crying out for treatment programs, when we say here is what the President has requested, and we are not prepared today to start to show that the Congress is not going to be part of this scam.

One other example, and that is in the State and local grant. I think we all agree that one of the key parts of fighting the war on drugs is going to be to have some allies. The big part of those allies would be local and State law enforcement personnel. We recommend for the 1990 authorization level $350 million to reach out and help local and State law enforcement do a better job. The President has recommended $150 million. We are $200 million short of what we had authorized as against what the President has recommended.

Mr. President, we are going to go beyond cynicism. We are going to appear to be fools, if we continue this course of action, in terms of our commitment to fighting the war on drugs.

I know that it is not popular, Mr. President, to talk about raising taxes and spending money on anything. We have read people's lips, but people's lips said lots of things; people's lips said we were going to win the war on drugs. We heard it just on the steps of the Capitol on the 20th of January, one of the commitments of the new President is that we are not going to declare defeat, retreat, and declare unconditional surrender in the war on drugs. To the contrary, we are going to fight and win that war.

I believe that we must recognize the fact that we need a commitment, including a financial commitment to win this war on drugs. So the proposal that the Senator from Delaware makes, I do not see as just what is necessary to get by for 1989, but it is going to be a statement of our commitment to continue to fund this program at the levels that we, ourselves, have said with the necessary part of the Federal alliance, at a predictable, stable level into the future.

ACCOMPLISHMENTS OF CLAUDE PEPPER

Mr. GRAHAM. Mr. President, I will conclude by discussing for a moment the word "war," a word that we throw around a lot whenever we think something is pretty serious, and we want people's attention on it. Some people see them earlier than others.

There is a very great American lying in state in the rotunda today, our former colleague, and our dear friend Claude Pepper. We have talked a lot in the last 2 days about Senator Pepper, and his many accomplishments, with particular emphasis to what he contributed to making life better for older Americans.

Senator Pepper had so many accomplishments, that sometimes we can forget areas in which he was a true champion of this Nation. Twenty-five years ago, shortly after he had returned to Congress, now as a Member of the House of Representatives, he chaired a Select Committee on Crime. It was probably the first chairmanship that he held in the House of Representatives.

Mr. President, in that position, 25 years ago, Claude Pepper was beginning to alert the Nation to the conse-

quences of this growing flow of drugs into America. But what I would like to focus more on is what Claude Pepper did 50 years ago. Fifty years ago in this Chamber, there were tremendous debates about what should America's position be in the world, and there was a strong constituency that said that America should not have anything to do with the rest of the world. We ought to go back and reread George Washington's speech at the time he left the Presidency when he recommended America should stay removed from the problems of Europe. There was a very powerful isolationist sentiment in this Chamber and across the land. Into that environment some people began to sense that America would stay silent and would stay removed at its great peril.

Claude Pepper went to Germany in 1938, and he heard Adolph Hitler speak. He not only heard in the physical sense of words going into his ears; he understood what the words of Adolph Hitler meant. He came back to this Chamber and became a champion, and there were not very many, for an America prepared to go to war.

He sponsored legislation to provide to the few valiant nations left in 1940, particularly Great Britain, some American naval and aircraft assistance. He was one of the advocates for a draft, so that we would begin to build a military capacity in this country.

He was ready to fight a war. Did he receive the accolades, the praise of the people for that? Let me tell you what he received. We all know what Claude Pepper looked like; his casket was open a few hours ago, and I would encourage each to pay his respects to this great American. Well, an effigy was made of Claude Pepper, an "overblown ridiculous-looking thing." I know that, because Claude Pepper saved that effigy. It is now in his library at Florida State University.

They took that effigy and hung it on the tree in front of this Capitol, and they cut it down off the tree and tied it to the back of a car and drove it around the Supreme Court Building. That is the reward that Claude Pepper received for his position in defense of a strong America, as the shadows of World War II were upon us. Those were not easy things for Claude Pepper to do, but the Nation 50 years later is very thankful that he and a few others had the courage to do it.

I believe that if we are serious in our statements of the depth of challenge which the drug issue poses to America, which I suggest is of the same order of those dark clouds that were coming from Germany 50 years ago, that now is the time for us to begin to act that way. We did not tell the soldiers that we were drafting in the service in 1940 and 1941 that I am sorry, we cannot issue a rifle because it violates a provision of the Budget Act, or that we cannot provide ammunition for the naval ships that we were going to launch, because it was inconsistent with the way in which we have always done this. We said, by God, this is a war we were going to win, and we will do what is necessary in order to prepare for that victory.

Mr. President, we are at that point today on this matter, with the opportunity that Senator BIDEN has given us to declare war and to declare our commitment to the resources necessary to win that war.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. Mr. President, I rise in support of Senator BIDEN's amendment. Let me say that it is hard to do so, and I will tell you why. First of all, I know the opposition that the distinguished Senator from West Virginia has toward this amendment. I have worked with the Senator when he was leader. We have had our differences on different issues, but there is nobody who has led and educated this body and this Senator more than the distinguished chairman of the Appropriations Committee, the President pro tempore, Senator BYRD.

So standing up and arguing for an amendment that I know that he will eloquently argue, and probably win, as he usually does, is difficult for this Senator. I am sure Senator BYRD knows it is based on my strong convictions, as his are, and also a frustration that this Senator faces, as has been spelled out by the Senator from Florida, and as has been spelled out by the Senator from Delaware far better than I can, of what is a dire emergency, what is important to this Nation; and when are we going to really address the problem of drugs?

When I was a prosecuting attorney, I had a way of addressing a problem of drugs. We formed a drug strike force. We eliminated or reduced plea bargaining. We came down hard. We pressured judges in any way we could, arguing before them in the courts, through citizen participation group, to impose tough penalties.

I was apprehensive then and frustrated also, but we saw some successes.

Here, representing the State of Arizona, I find the greatest frustration in that we talk tough, we work hard, we work tough.

Let me just go back over a little history. Last year at this time the distinguished chairman, then majority leader, appointed a task force of Democrats, as did the minority leader, Mr. DOLE, appoint a task force of Republicans. We work separately for a while and then together. For a period of 5 months, we labored and put together an omnibus drug bill. It was, I believe, $2.7 billion.

It was not going to cure it but it was going to address it. For the first real time we were going to address the problem of demand and supply. We were going to really get at the problem of education, of treatment, of the interdiction and the enforcement area in a meaningful way with a plan.

One of those plans was creating the office of drug czar or known as the coordinator, National Coordinator of Drug Policy, and that office is proceeding under the leadership of Dr. Bennett.

Now we went along a little bit and, as the Senator from Delaware pointed out, we could not come up with the bucks. We had good ideas. We had a nice ceremony down at the White House signing the bill. Everybody said, "Hey, hooray, we are finally doing what we have to do. We are going to go to war."

And you know what that means. That always gets a good headline. I have used it and I am sure other Members have.

But as Chief Gates of Los Angeles testified about 2½ years ago in California before the committee when I was there, he said, "You guys have never gone to war, you politicians, nor have we, we politicians on the local level. We talk about going to war but when it comes down to it was do not go to war. We just talk about it," because when you think about going to war what do you think about besides the movies and the experiences that some Members may have had here in real war? You think about the organization, about your objectives, what do you do. When you go to war you mobilize your nation, you mobilize your military and your civilian forces and you have an education program so the citizens understand the threat that they are prepared to pay the price to win the war, and then you have an objective, whether it is to conquer some physical territory, whether it is to rid the planet or the Earth of the scourge of Adolf Hitler or others, But you have this objective and you know where you are going.

That is what the omnibus drug bill was supposed to do—set some objectives. It provided for education and treatment. It provided for the resources.

Senator BIDEN was not here during that task force, and we missed him because there has been nobody who works harder in this Senate than Senator BIDEN on behalf of law enforcement. But when he came back, he stepped right in. He did not try to change it. He did not try to mold it and put in anything that was left out that he felt was important. He stepped in and said, "Yes, I am glad to be here, I am honored to be here," and pushed this bill and managed it on the floor of the Senate. We passed it.

We went on to fund only, I think, less than $300 million of it all on the promise, at least the statements, that we would come back in January and that we would fund the balance of it.

Where would we get the money to fund the balance of that? We did not talk about that. But we would do it because we were committed to this war on drugs.

During that debate, Senator BIDEN, I believe, and I will stand corrected if I am not correct, if that is not correct, but I know the Senator from New Hampshire [Mr. RUDMAN] offered an amendment to fund the remainder part of that bill, roughly $2.2 billion, by imposition of a tax on cigarettes and alcohol, primarily. I voted for it.

I happened to be up for election last year and some said, "Boy, you never should vote for taxes in an election year." That is really asking for it when you go home, because you are also talking about read my lips, no taxes, but I said to myself I have to, I have to do it because if I believe in this war, I have to be willing to vote for the money to fight the war.

And we are faced today some 6 months into the year now with one appropriation. We upped it, funded about 40 percent of the bill, and yet we still have not declared war.

The Senator from Florida said it is time we do it, and this effort would fund it completely as it has been explained here on the floor.

I realize taxes on alcohol and tobacco are sometimes easy because a lot of people do not use them and they are items that when used are certainly questionable as to their health benefits and many times have been attributed to death, cancer, and alcoholism. We all know those stories. And yet it is part of our society. We understand that and I understand that.

But in reality when we are talking about raising funds, I really do not care where it comes from when it comes to drugs, because it is my belief that this is the scourge of our society and I have put in a few years here trying to build law enforcement, trying to promote education and treatment. Some things have happened positive and some have not, but I feel a movement in this country from my State that the people want us to win the war. To win the war, we have to fund the war, and that is what we are doing here today.

I think raising the taxes on a six-pack of beer 5 cents, that is tough I guess if you are a minimum wage earner or slightly above. I realize that. I think raising the tax 5 cents on a six-pack of beer was explained to me once before if you had two beers a day it would cost you something like $11 a year. Maybe that means that a few people would not be able to drink those beers and I realize that is an enjoyment that I do not want to deprive anybody of, but I do want to deprive the drug dealers who are bringing drugs into this country, that are absolutely destroying our Nation, that is bringing the worst scourge that we have ever seen in my lifetime to our Nation.

So I am prepared to support this amendment, and I believe, Mr. President, that we need to realize what is an emergency. This bill has many things that are emergencies and some maybe that are not. Certainly the veterans' health programs are an emergency. We know that.

We are told that if you add anything to this bill that is not in the bill that is not actually in here as written before us today that it will be vetoed. Well, you know we ought not to be so intimidated that we do not have the courage to vote for what is important to this country.

If the President decides to veto the bill for veterans and if there was drug money in there to fight drugs, let him answer to the people of this country. Let him explain why we talk tough about drugs but when it comes down to it, we will not pay the bill to fight the war.

How do you suppose the Second World War and the Korean war would have come out if Congress and the President had not been willing to appropriate the money and go into debt to appropriate the money to fight those war?

We know there was no question we were going to pay the price whatever it took, in sacrifice not only of the men and women that sacrifices their lives, not only the rations and the heartache that caused many people and the extra hours that people had to work at reduced and regulated wages, but we also taxed ourselves.

And here we are talking about taxing ourselves. Yes, we are going to raise the tax on beer 5 cents on a six-pack. The current tax is 16 cents. So that means 21 cents when you buy a six-pack of beer to go to fight drugs. That is where it is going to go. On wine, we are going to raise it 5 cents on a bottle. It is 3 cents now. It would go up to 8 cents. That is heavy on a bottle of wine.

Can people who drink a bottle of wine not afford 5 cents on a bottle to fight drugs? I think it is clear that we can.

On cigarettes, 2 cents on a pack of cigarettes. It is already 16 cents. That would be 18 cents when you smoke a pack of cigarettes.

I do not smoke, but I used to. Quite frankly, when I did, I would pay whatever it cost. I was one of those smokers that liked it, enjoyed it, though it was really good for me from the standpoint of what I wanted to do socially. I would pay the price whether I was in school or practicing law. I felt it was something that I wanted to do and I had the right to do it and I would pay the price.

People who are going to smoke, I contend, are going to pay another 2 cents a pack or, for that matter, people who drink are going to pay another 5 cents a six-pack.

So, Mr. President, we are looking here at an emergency. We are looking here at a vehicle of funding that emergency. The Senator from Delaware has offered a realistic, practical approach to doing just that.

I am not saying it is easy. I am not saying that this is the only way to do it, because there are other ways we could fund this bill.

Yesterday I offered an amendment to take $228 milion out of the defense money that has not been spent, obligated, or even offered to reprogram. Well, I got beat badly on the basis that, "Well, we cannot touch this money. Even if defense hasn't done anything about it, we have got to wait and encourage them to do it." And I got beat badly because we cannot add anything to this bill because it will be vetoed. And, if we do that, what is going to happen? My God, the country is going to come to a screeching halt. The veterans' hospitals are going to close, and we are all going to be held responsible for that.

Well, you know, it does not take any civics teacher to understand what our obligation is here. Our obligation is to do what we believe is in the best interest of the people. And if we believe the best interest of the people is to launch a war on drugs, then it ought to be in the best interest of the people to pay for it and to do it now as an emergency.

So I hope, Mr. President, that the Senate, when we vote on this amendment—I believe it is a waiver before us—will cast a vote in favor of a war on drugs, a real war on drugs, Senator BIDEN's amendment.

The PRESIDING OFFICER. Does any other Senator seek recognition?

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I am always inspired when I hear the distinguished Senator from Delaware speak. He is one of the more eloquent speaker in the body. He has the ability to speak with the rising inflection of his voice and we get out on the edge of our chairs and listen to an emotional issue in which he is correct.

And I do not argue with the need for more funding to fight the drug prob-

lem. But what I argue with is that he says this is an American problem. It is America's problem. And if it is the kind of problem he says it is—and I would agree with him and the distinguished Senator from Florida and the Senator from Arizona, then we find that he is putting the heavy weight of this war on the backs of a few.

As he said earlier, I do not like this amendment. I do not like how he is taxing people because it is on the backs of the people I represent.

Now, if it is an American problem, why be so narrow in those who carry the load to fund the war on drugs? Mr. President, I read—and I am sure that they will say that it is all wrong, it just comes from the Office of Management and Budget—but, I read one paragraph from a letter by the Director of OMB, Richard Darman:

As you know, Congress enacted the FY '89 drug supplemental just 7 months ago. The supplemental provided $1 billion of additional funding. Total antidrug funding increased from $3.8 billion in fiscal '88 to $5.3 billion in fiscal '89, an increase of 39 percent. Much of that newly provided '89 drug funding remains unobligated.

Now we are attempting to spend almost $500 million more in the next few months and this amendment does not start the tax until September 1. The amendment is going to spend all of that, but the last 30 days of this fiscal year is all that is going to be taxed. Something about this particular amendment bothers me, other than the narrow weight of the cost.

Mr. President, the fact of the matter is, if OMB is correct, we are not spending the money we now have. It remains unobligated. Yet we are going to put, if I read the amendment correctly, over $400 million more into these programs in a few short months and the tax will only be applied for 30 days to pay for it in this fiscal year. As we say down in west Kentucky, "Something about those figures ain't right."

And so, Mr. President, as the Senate Appropriations Committee reported, in the report on every Senator's desk, the funding we agreed to last year for fiscal year 1989 drug funding is still in the pipeline and it is still unobligated. And yet, we say that we want to throw more money at this problem on the backs of a few.

I have 105,000 small farmers in my State. They work very hard, and some of them have to go to town to get another little job to stay on the farm. We developed in 1985 a piece of legislation that said the tobacco farmer would no longer cost the Federal Government any money. And it occurred. The no net cost to the Federal Government was the title, or the connotation, put on that piece of legislation.

So the farmers are paying out of their pocket, out of their labor, the cost of the marketplace. And if they have a surplus, it has to be put in the pool and they borrow the money and pay the interest on it.

So now we are going to have a war on drugs on the backs of a very few people. If this is an American problem—and I say it is—then I think the Senators who are supporting this legislation ought to make it an American amendment rather than an amendment on a small group of people.

Mr. President, I do not argue with the problem, but I do want fair consideration of those who have to pay for the war. We simply do not need these funds this year and certainly not at the expense of a small sector of our economy and a few Americans who might enjoy legal products.

We talk about 2 cents more on a pack of cigarettes, but that is a nickel, because you try to put two pennies in a vending machine and get a pack of cigarettes? It is a nickel. So you make 3 cents on the pack for the vendor. Try to take it from 85 cents a pack or 90 cents a pack or $1 a pack or $1.50 a pack and put 2 cents on it and try to see it work in a vending machine. It just will not do it. So it is an extra nickel instead of 2 cents. And it damages my constituency that much more.

I was not sent up here to do everything that my constituency liked. I have to make hard decisions every day and I do not object to making hard decisions. But I do object, Mr. President, to a narrow funding of what we call the big war. When we talk about war with another country, all Americans pay. Not just a few. All Americans sacrifice, not just a few. But not this amendment.

Then we want to go against the rules of the budget process to get it done. And the Senator has to get a waiver to do it.

So, Mr. President, there will be others here who are more familiar with the budget process, the sections and numbers of votes it takes and other things. Those motions will be made, but you notice that the pending business before the Senate is a motion to waive the Budget Act. So we begin to waive the Budget Act until we get in the habit of it, and the debt of this country increases.

Mr. President, I hope my colleagues will not take it that I am opposed to trying to do something about drugs. I am opposed to the very limited number who will be called upon to fight this war.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore, Senator BYRD.

Mr. BYRD. Mr. President, my good friend and esteemed colleague, Senator BIDEN—and he is my friend and has been my friend and he always will be my friend and I will be his—he damned me with faint praise when he started out with his very eloquent speech. And he is one of the great speakers in this forum.

"I am no orator, as Brutus is." I do not have the power "to stop men's blood." I just speak right on.

But he has damned me with faint praise and I hesitate to stand here and attempt to respond to that kind of praise. He was rather brief, but he was to the point that I was "skillful" but that I had my "facts wrong" in this instance.

Mr. President, Mr. BIDEN, in all of his speech, and I did listen very carefully to it, what he did was to set up a strawman in that speech and then he proceeded methodically, systematically, very carefully and effectively to knock that strawman down.

What was the strawman? The strawman was that this, the drug problem, is an urgent problem. And he dealt with that matter in such a way, very carefully and very cleverly—so I can say about my good friend that he, too, is skillful—he dealt with it in such a way as to make it appear that those of us who oppose this amendment do not believe that the drug problem is an urgent problem. I wondered, is he really talking about me? That was the strawman.

If I had come in here and said that the drug problem is not an urgent one, that the drug problem is not an emergency, then he would have skillfully shorn me of my trappings and reduced me to an almost zero. But I never said that.

I never said it was not an urgent problem. I have not said it was not an emergency. It is. But I have said that we are dealing with that emergency, that we appropriated in the regular appropriations for 1989, $4.3 billion. That is $4.30 for every minute since Jesus Christ was born.

I said that we also enacted the supplemental 7 months ago in which we appropriated another billion dollars, another dollar for every minute since Jesus Christ was born. And I said that the President has sent up in his budget, he is making a request for fiscal year 1990 for $6 billion more—in other words, $6 more for every minute since Jesus Christ was born.

So we have already appropriated much money. But the spendout rate has not been such as to deplete those appropriations.

We have letters here, which will all be placed in the RECORD, from the Secretary of Defense, the Secretary of the Treasury, the Director of OMB, the Attorney General, which will show that there are moneys already available that have not been obligated.

Now, if those moneys were not available, yes, I would say, this is the vehicle and we should not wait. But what I am saying is, yes, it is an emergency; yes, it is an urgent problem. But appropriating more money in this vehi-

cle will not do anything to help the problem.

Oh, we can get out a press release and we can talk about how we dealt with this urgent problem, how we fought the battle of the century and got a big appropriation for drugs on this supplemental bill.

Somebody spoke of the hypocrisy of this Chamber, and I believe that was my good friend, talked about the hypocrisy of this Chamber.

What can be more hypocritical than for me to say we need more money for a problem when we already have money, enough to last us past the beginning of the new fiscal year, and with regular appropriation bills coming on within the next month or 6 weeks, which will indeed be the appropriate vehicles because they will be dealing with fiscal year 1990 and the President's budget request for fiscal year 1990. That is the place for the Senator's passion because we will be dealing with appropriations for the next fiscal year.

My good friend spoke to the hidden and unseen audience behind that camera and those others up there and to the audience in the galleries and to the people, on the staffs of Senators. He asked if they could vote, how would they vote? Would one of them daresay he is not afraid to walk out on 14th Street at midnight or from here to the car over near the railroad station at 10 o'clock at night? Is there anyone who is not afraid? That was a rhetorical question, my friend said. Let me answer that question. Yes, I am afraid. Here is one who is afraid. I do not want to be caught walking on 14th Street. I will not be caught walking from here to any car that is out there near the railroad station or down here on some parking lot if I can possibly avoid it. Yes, I am scared, but is appropriating money in this bill going to make me unafraid to walk to that car?

Mr. President, the drug problem is a cancer that is eating at the heart of this country. We are doing something about it. I will go as far as the next one in dealing reasonably, effectively, and meaningfully in attacking this problem. I appointed the task force last year. The drug reform bill that passed during the 100th Congress is one of the stars in the crown of the 100th Congress. I appointed the Democrats to that task force; Mr. DOLE appointed the Republicans to that task force. I appointed Senators NUNN and MOYNIHAN to cochair the Democratic side of the task force.

The distinguished Senator from Delaware has been a leader in this effort. He has worked hard, he has worked effectively, and he speaks with great knowledge regarding the problem, but he is not alone. I was here on the ramparts last year. I convened that task force. I met with Senator NUNN, Senator RUDMAN, Majority Leader FOLEY, Speaker WRIGHT, and others down there as we worked in conference on that bill. I spent a good many hours. There were others who spent more hours than I did—Senators NUNN, MOYNIHAN, RUDMAN, and others. But we all had a hand in the formulation of that drug bill, and we all take pride in it. I, as much as any other, intend to do whatever I can and what needs to be done within my power to do it to see that this war on drugs is adequately funded.

However, we passed a supplemental last year, a $1 billion supplemental. So we have the $4.3 billion and $1 billion making $5.3 billion and other moneys that were previously appropriated. As of March 31, only 56 percent of the moneys that had been appropriated had been obligated.

In that drug bill last year, largely because of the distinguished Senator from Delaware, there was a czar created, a drug czar, and an office of National Drug Control Policy. That legislation mandated that office to provide a comprehensive strategy by September 1 of this year to deal with this drug problem. Now, we said, there it is. You give us a plan. We want that plan by September 1. That is only 3 months away. Now why should we not let this creature that the Senate itself created and into which the Senate breathed the breath of life, why should we not let that creature, our own creature, tell us what we asked it to tell us? Give us a complete list of goals, objectives and priorities for supply reduction and for demand reduction; private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control. Give us 3-year projections for program and budget priorities and achievable projections for reductions of drug availability and usage. Give us a complete assessment of how the budget proposal transmitted under section 1003(c) is intended to implement the strategy and whether the funding levels contained in such proposal are sufficient to implement such strategy.

I ask Senators to read the mandate that we placed on that office. "Designation of areas of the United States as high intensity drug trafficking areas in accordance with subsection (c) and a plan for improving the compatibility of automated information and communication systems to provide Federal agencies with timely and accurate information for purposes of this subtitle."

Now here we are on his amendment, we are going to leapfrog over the national drug control office and say we are going to pile money on top of money. We are not going to wait for that office to tell us what we asked it to tell us. We are going to pile money on top of money and then we will hear what you have to say later.

Mr. President, that is getting the cart before the horse. I think it would be better to get the strategy, get the comprehensive plan that we asked for first and then appropriate moneys where needed and as needed and where they can be spent most effectively. That is what we ought to do. If we appropriate more moneys here, we are doing just the opposite. Why did we ask that office to come up with a strategy on September 1?

My good friend from Delaware said that "drugs are killing the sense that we can control our own destiny." Mr. President, I will tell you what is killing the sense that we can control our own destiny. It is these triple-digit deficits that we are continuing to run. We now owe $2.8 trillion in national debt—$2.8 trillion. Counting $1 trillion at the rate of $1 per second, how long would it require to count $1 trillion at the rate of $1 per second? 32,000 years just for a trillion. Multiply 32,000 by 2.8 and what do you get? You need almost 90,000 years to count the $2.8 trillion that we owe on this national debt, at the rate of $1 per second. Now that may not mean much to those of us who have been here year after year appropriating moneys.

Someone said that Everett Dirksen talked about a billion here, a billion there, pretty soon it adds up to a lot of money. I can find no instance as yet in which Everett Dirksen actually said that. But anyhow, it was a good saying, and it still is.

Let me say this, I have five wonderful grandchildren, and it is about time that we tore up this national credit card that we have been using to buy that which we will not ever be able to pay for in our own lifetime. We are going to leave that bill, with interest, to my daughters and my five wonderful grandchildren, and to yours. They are going to pay the bills after we are all gone.

My good friend talked about killing the sense that we can control our own destiny. We have already numbed that sense by virtue of the spending binge that we have been on in this country. We have numbed that sense. We can hardly control our own destiny now.

That is why our highways and our bridges are lacking. That is why we are cheating our young people in many instances of the kinds of laboratories and libraries and facilities that they ought to have in which to study. That is way we cannot develop the community facilities that we need in rural States like my own. We are already up to the red ink over our heads.

There are urgent problems. The drug problem is one. The deficit problem is another one. How do we put the limited funds together that we have and meet the overwhelming Federal

demands? That is what we have to think about.

To some who are greatly exercised, as I am exercised, about this drug problem—I worry about it. We all worry about it—I wonder how many voted against the death penalty. I believe my good friend Mr. BIDEN said, "Put your money where your mouth is." How many of us put our vote where our mouth is when it came to voting for the death penalty? I do not think we went far enough in the legislation we passed.

Yes, I consider the problem urgent. Yes, I consider the problem to be an emergency. But I say that the strawman is not to be applied here. Nobody is arguing that the drug problem is not urgent. Nobody argues that it is not an emergency. The point is that moneys do not need to be added to this supplemental appropriations bill. We have regular appropriations bills coming along that will deal with fiscal year 1990 within the next month or 60 days.

So the Senator from Delaware made a beautiful speech. It was great rhetoric and real passion, real passion. But he left out one very important fact. He said the drug problem is urgent. And of course it is. He said this bill is for emergencies. He is correct. But he obscured one important fact. That is that this bill is for programs that are broke—broke. That is the difference, and that is not a strawman. That is what we are trying to deal with in this bill, programs that are broke.

That is why this is a dire emergency appropriations bill. The drug programs are not broke. Sure, we can throw them more money. We threw money at national defense for years, and I was right in the front seat. Again, I am saying I do not take a back seat to anybody when it comes to our defense. I voted for everything coming and going, Trident submarine, Trident missile, SDI, MX, Midgetman missile. You name it, I voted for it.

What did we do? We threw money at the problem. What we did, we began to kill a sense of concern in that great electorate out there in the hills and valleys of this country when they read about the $600 toilet seats and the $40 light bulbs and the coffee pots. And they grew tired of seeing their money thrown at a problem when that money was not being efficiently utilized.

That is what is going to happen on this drug issue. We just keep throwing money—money—money—at the problem. Great rhetoric, great rhetoric—ah, we can appeal to the galleries. Yes, we can appeal to the people out there behind that magic eye. How would you vote? Those people out there are going to demand an accounting from their stewards here one day, and I shudder to think what our grandchildren will say about us.

Mr. President, we entered into an agreement in 1987, a bipartisan agreement on the budget. This President is trying to keep that agreement, and we ought to try to keep it. That is what we are trying to do in this supplemental bill. Add this amendment and we will break the word of our own leadership and those who negotiated that budget agreement.

There will come a time when we can all stand up and have our chance to vote for taxes. We will have an opportunity to do that. All this tough talk I have been hearing that the President says read his lips, he will get to keep his campaign promise this year but next year he is going to have to bite some bullets because he will have to support some tax increases.

Well, we will have our opportunity, too. We will all have the opportunity, but why should not the Finance Committee, which has jurisdiction over the tax legislation, have an opportunity first to call in witnesses, take evidence, and develop an appropriate tax bill, and decide what taxes shall be in the bill?

No. We are going to start a tax-raising bill here that flies in the face of article I of the Constitution, and say we are going to raise taxes here and now. I am amazed. Who in this Senate thinks for one moment that that House over there is going to sit still for a bill originating in this Senate when, under the Constitution, it says revenue raising measures shall originate in that body across the way? They would slap this down so fast it would make your head swim. Then we would have to do our work all over again.

Finally, that brings me to this point: This amendment runs afoul of the Budget Act. It would violate section 302(f) by adding appropriations to subcommittees that have exhausted their fiscal year 1989 302(b) allocations, and it violates section 311(a) by adding over $400 million to fiscal year 1989 outlays when fiscal year 1989 outlays allowed under the budget resolution have been exhausted. So we are going to raise the outlays here. And the distinguished Senator is asking the Senate to waive the Budget Act. If we waive the Budget Act, then a point of order can be made against the bill, and it will go back on the calendar. If it ever gets out of conference, the President will veto it if it still carries that amount.

This bill already exceeds the budget levels. That is why I was able to get consent earlier to waive the Budget Act on the committee reported bill but the administration has said, if we do not add more baggage to it, this administration has indicated it will sign the bill even though it is $563 million over. But the administration has said in no uncertain terms if it goes above that then they are going to veto it.

Someone said something about Senators being intimidated by vetoes. I am not intimidated exactly. I have run up against I guess the real pros a few times. I was not intimidated by Lyndon Johnson, my good friend. I was not intimidated by Ronald Reagan. My sad lot was that I was minority leader for 6 years while Mr. Reagan was President. What I said did not amount to anything because I was minority leader. Yet, I was not intimidated. But it was a different story in the 100th Congress.

So it is not intimidation, but I like to be realistic when I can be. And it seems to me, to be realistic to attempt to avoid a veto of a bill when we cannot override that veto. I have heard some say, well, it would be good idea. Let him veto it. That would be good politically. I say that would not be good for those veterans who are in need of medical services, and other Americans whose programs are now broke.

So, Mr. President, I do not want us to have to do this job over. We cannot override the President's veto. That is false thinking.

I am going to move to table this waiver but I will not move to table it until the distinguished Senator from Delaware has an opportunity to respond. I see that he is on his feet and wishes to respond. But I will move shortly to table his motion to waive the Budget Act. I do not want to see this bill go back on the calendar. I want to do everything I can to protect this bill, and to protect the dire emergency items that are in it.

If we are going to start initiating tax measures on supplemental appropriations bills here, let us do away with the Finance Committee. Just do away with it. We do not need it. We can sit on the floor and write our own tax measures, and do a vain thing by sending them over to the House which will just turn them down flat.

I say to my good friend that I am going to sit down and turn him loose again. And then I am going to move to table his motion. I hope I can carry it. I do not intend to respond unless my good friend sets up another strawman and damns with faint praise and all those nice things.

So I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Delaware.

Mr. BIDEN. Mr. President, I am not nearly as capable as damning with faint praise as my senior colleague from West Virginia, so I will not attempt to praise any longer. I have not come to praise. I have come to point out that if in fact I set up a strawman, as my senior colleague from West Virginia suggests, and I will argue in a moment that I did not, he has just filled the field with a set of scarecrows

that exceeds any number required by any cornfield. We have strawmen in abundance now. It is going to be hard for people to find their way through the thicket.

But let me try to lend my little bit of help, if I can.

The Senator, as we all know, is a skillful debater. He says on the one hand that we do not need any more money, that there is enough money in the bill now. So there is enough money in the pipeline now. So we do not need to spend any more money. Then he adds later, and I note this parenthetically, that we are throwing money after money and makes a comparison to the Defense Department. We spent last year $5 billion on the drug problem. That is less than the cost of just a couple fancy aircraft—$5 billion. Speaking of strawmen, in comparison to the defense binge that we are on—$5 billion when drug traffickers made themselves last year $115 billion. And we spent $5 billion, and we are on an orgy of spending? Five billion dollars? I can name, and I will not, because I do not want to offend many of my colleagues, a half dozen pet projects that my colleagues have supported that add up to close to that amount of money, $5 billion to deal with the drug problem. My colleague says that because we have not spent this money out yet, and in part because the administration has refused to spend some of it out, in part because it takes time to spend it out, now there is a reason not to spend what we said that we needed this time—not this time, September of last year. We said last year that we needed to spend $2.8 billion to hire on FBI agents, to hire on DEA agents, U.S. marshals, for grants to States, who must submit detailed plans as part of the funding process.

It is no surprise that we have not spent out all the money that is available thus far. So we should not be surprised. I wonder whether or not my colleague is suggesting that. He is certain that between now and September there is going to be no need for any more money than would ordinarily be spent in order to fund what we said.

Let me move to the next strawman. The Senator from West Virginia praises my efforts on setting up a National Drug Director, and he read from the statute that we all wrote, and then he says, "Should we not wait until this fellow comes back with his report in September?"

Well, that implies that we should just put a screeching halt on all our spending, anything we have to do with drug law and law enforcement, and wait until this fellow comes back with his proposal. It also implies that the money we thought that we needed to spend on additional agents, on additional education, on additional—all the things we listed in the drug bill, is something that somehow we are going to jettison, depending on what this Drug Director comes up with, this de novo initiative that he is going to make.

So, on the one hand, my colleague says, "Hey, look, we do not need to spend any more money, because all that we had in the pipeline had not been spent yet," implying that by the time the fiscal year is over, there is going to be no need for any more money; and by the way, implying that when you say to an agency, we want you to add on somewhere around 200 new DEA agents and 250 new immigration and naturalization agents, and more FBI agents and all the rest, that somehow they should not plan that they are going to be able to spend that, no matter how long it takes them to get that done.

Anyway, he says, we have that, we do not need the money, and by the way, parenthetically, even if we did need the money, we are spending too much anyway; we are throwing money at problems, but by the way, I think that drug bill was a very important thing that we did last year, and by the way, we should wait, anyway, until the Drug Director gives us a plan before we do anything anyway.

Now I find myself having on that merry-go-round bumped into at least four straw people. I mean, it is a very compelling debating point. Hear what it says: We do not need any more money because we have not spent the money that is there anyway, even though if we went forward and did all we said we wanted to do in the drug bill, we would need a lot more money, but all we did in the drug bill is very important; but we should wait anyway until the new director comes out in September to tell us whether what we did needs to be done, and by the way, we are spending too much money on drugs anyway, because we are throwing money after money.

And then, he makes a very compelling argument, and he is dead right. My senior and distinguished colleague is dead right. The national debt is piling up in a way that our children, grandchildren, and great-grandchildren are going to be burdened for generations, implying that what the Senator from Delaware is suggesting is that we increase the debt, when in fact that is not what the Senator from Delaware is suggesting at all.

The Senator from Delaware is standing up and saying I think we should spend more money, and here is where I think we should get more money. I do not think we should add it to the national debt. Then he argues very skillfully and compellingly in the alternative, "He is adding to the debt," but, by the way, "What he is asking to do is unconstitutional, because it raises the money that would keep the debt from being increased."

I should have known what I was getting into here when I decided to take on the master in the Senate, but the master, not like the emperor who had no clothes, has a lot of strawmen.

Now, either I am doing something unconstitutional by asking for the taxes to pay for the bill, or I am seeking to raise the debt.

As they say, and as the Senator from Kentucky made reference to in part of his statement, "As they say in parts of my city, 'I ain't doing both.' "

Now, you can argue an alternative, that in one case, if it is unconstitutional, and thereby would not, in fact, be accepted and become law, then the effect of what I am doing, notwithstanding that, is not what I intend to do is to raise the debt. But to suggest that and tell me and others, correctly, how much money per second and per minute since the year of the birth of our Lord we are spending, it is useful, but it is straw. It does not relate to the argument the Senator from Delaware is making.

Now, we find ourselves in this catch-22 position, if we listen to the distinguished Senator from West Virginia. And that is that since the administration will not support more money, and since to spend out the requirements that the law calls for take time, and we all know that; therefore, we do not need the money that we said we wanted to spend in September in order to do the things we thought were needed; and anyway, even if we did want to do the things we needed, we should not really want to do them now, because this guy BIDEN came along with this idea of a drug coordinator; and the law says the drug coordinator should come up with a plan 180 days after he was sworn in, which would make it sometime in September, so we should wait until September anyway. So what is to worry?

I kind of reduce it to simple, and maybe not graceful, maybe not parliamentarily—if there is such a word—precise terms. We said that we thought that we should spend $15 million more for FBI agents; we said we needed $5 million for new marshals; we said we needed $4 million for new agents over in the Treasury Department for the Alcohol, Tobacco, and Firearms agents—they are Treasury agents. We said we needed $44 million for new prosecutors and new court resources, and we said we needed to spend $100 million more for new prison construction.

We said we should come up with 200 more DEA agents, 250 more agents for the Immigration Service. We said we were supposed to come up with about $125 million for local police agencies, for which they have to write all these requests and reports to qualify, and that is why all the money has not been spent yet.

We said we wanted to spend about $15 million more for antigang programs. We said we were going to put about $720 million into drug and alcohol treatment programs. We said that we wanted to do something about the production of drugs on Federal lands and increase by about $14 million more in order to do that.

You add all that up and you add up what is available for the executive branch to spend. It comes up shy about $1.8 million roughly.

Maybe for the sake of debate, maybe the Senator from West Virginia is right and it could not all be spent as fast as we had hoped it would be spent when we in fact passed the bill. He may be right.

But it seems to me it begs the question as to whether or not we should spend the money anyway, whether or not we really need to do all these things.

Although I understand the Senator's position on the supplemental, I fail to understand why it is so sacrosanct, and maybe if I read between the lines—and I may be mistaken here, and I am sure the Senator will correct me if I am wrong—that if this is not the vehicle upon which he will support funding what is needed to fund the bill we passed, whether or not it has all been spent to date that is available to date, maybe there will be another vehicle in which he will move as the powerful chairman of the Appropriations Committee to come to this floor to help find that money.

I have no doubt about the Senator's commitment to the issue. And I have no doubt about his tenacity where there is something that happens on his watch like this bill. I have no doubt about either.

But I also have no doubt that if the money is not needed on June 1 or June 12 or August 15 or September 9, the money is needed, and we should step up to the ball and we should appropriate the money now.

I yield the floor.

Mr. KOHL. Mr. President, I believe in the budget process and respect committee jurisdictions. I have the utmost respect for the members of the Finance and Appropriations Committees. Their distinguished chairmen do yeoman's labor in trying to meet the Nation's needs without draining our checkbook.

But drugs trump the budget process. The drug problem is the most serious problem we face. The American people have recognized this time and again in public opinion polls, and they are right. Drugs ruin lives, destroy families, and tear apart our neighborhoods. In the name of "escape," drugs imprison us.

In my own State, 40,000 people use cocaine regularly, and half of them are addicted. Alcohol and drug abuse costs Wisconsin's economy $3 billion a year for medical care, crime, lost productivity, and welfare.

If we are going to have a war on drugs, I say it is time we started using the real artillery. In other words, we need to arm our police and our treatment centers with adequate funding to end this social cancer.

In Wisconsin, local enforcement agencies have asked the State for more than $5 million in assistance. But my State government has less than $2 million to share. Why? Because of the $2 billion drug scam—the fact that we authorized $3 billion in the drug bill but appropriated less than $1 billion. We said, "Go spend $3 billion," but we actually gave them about $1 billion.

We cannot fool the American people any longer with our fancy bookkeeping. Either we are going to put our money where our mouth is, or we are going to lose the war on drugs. This is the message I have heard from sheriffs and police chiefs, from Racine to Eau Claire, from mighty Milwaukee to little Pepin County. They are on the frontlines, and they know what they need. Let us listen to our police, and let us listen to the American people who tell us that drugs are issue No. 1.

Make no mistake, it will hurt me and my State to raise the tax on beer. The breweries are a crucial part of the Milwaukee and Lacrosse economies. The beer companies provide thousands of jobs in Wisconsin, and they are good corporate citizens, donating money to hospitals and the arts. I do not want to do anything to hurt the breweries back home. And I do not want to jeopardize a single job in Wisconsin.

But again, drugs trump all other concerns. Brewery workers, like the rest of us, are afraid to go into certain neighborhoods because of drug-related crime. And Federal taxes on beer and wine have not been raised since 1951. A 1-cent tax on a can of beer is not going to take away anyone's six-pack. But it will have a powerful impact on fighting the drug epidemic. I am willing to tax beer to save communities.

Will President Bush veto our law because we want to fight drugs? I hope not. I hope that drugs will trump partisan politics in the White House.

Mr. President, I approach Senator BIDEN'S amendment with a mix of sadness and enthusiasm. I am sad that we have to find money in this way. I would rather wait for a resolution to work its way through the normal budget process. And I am sad because of the fact that my State's breweries will feel a pinch. But drugs trump all of these concerns. We cannot wait any longer to put our money where our mouth is. I support Senator BIDEN'S amendment.

Mr. DURENBERGER. Mr. President, I want to take this opportunity to make a brief statement explaining why I will vote to table the pending amendment to waive the Budget Act in order to provide additional funding for the war on drugs.

Mr. President, although I am committed to voting for sufficient appropriations to finance the war on drugs, the pending amendment will not help fight this war and will only harm those citizens who need assurance that this dire emergency supplemental appropriation will become law. Make no mistake, if we waive the Budget Act on this amendment, the President will veto this important legislation. And if that happens, critical programs for veterans medical care will not be sufficiently funded. Funding for 160 health care transition grants for rural hospitals that are currently in a crisis situation will not be available.

In addition, vital funding for food stamps, emergency water conservation programs, guaranteed student loans and essential air service to small rural communities will all be jeopardized if this amendment is adopted.

Mr. President, I believe that in the very near future—in fact, in the next month or 6 weeks—we will be considering a regular appropriations bill. And at that time, we will surely have the opportunity to vote to approve legislation that will provide adequate funding to fight illegal drugs. However, the legislation we are considering today is not the right vehicle, nor is it the right time, for this Chamber to be considering this type of amendment.

Mr. KERRY. Mr. President, I support the amendment offered by my colleague Senator BIDEN to fund the drug bill through an excise tax on cigarettes and alcohol.

Last year I worked for 6 months with a number of my colleagues to draft the omnibus drug bill. I did so first as a member of the Democratic Drug Task Force and then as a member of the bipartisan substance abuse working group. That bill was passed last October and signed into law last November by President Reagan.

I continue to be proud of the work that we did on that bill. For the first time in many years we drafted anti-narcotics legislation that actually embodied a strategy—not just a patchwork of band-aid provisions. We set out a strategy that recognized that while we must fight the war on drugs on all fronts, we must give particular attention to the demand side of the problem. Without sacrificing our efforts in eradication and interdiction, we decided that we needed to devote more of our energy and more of our resources to enforcement, education, prevention, and treatment. So, in that bill we abandoned the traditional supply side approach. We decided that we would not devote nearly 70 percent of our resources to trying to keep drugs from coming into this country.

We decided to give equal emphasis to punishing those who are dealing the drugs, equal emphasis to treating those who are already addicted, and equal emphasis to educating those who have not yet, and will hopefully never become involved with drugs.

We may have developed a new strategy for tackling the drug problem in this country, but that doesn't count for much if we don't fund that strategy. If the drug bill were fully appropriated in fiscal year 1989, it would cost approximately $2.8 billion in budget authority and $1.4 billion in outlays. Last year we appropriated approximately $1.1 billion to fund the bill: That leaves us short by nearly $1.7 billion. That means we won't get the prisons we desperately need. It means we won't get the prosecutors that we need. It means that States won't be able to fund new education programs. And it means that treatment centers won't be able to meet their expanding needs.

Some have argued that there is already plenty of money. Well, I can tell you that in my State, Massachusetts, there is not plenty of money to fight the war on drugs. Our prisons are overcrowded. Go to Walpole if you don't believe me. Our public housing projects are rife with drug trafficking. Visit the housing project in New Bedford if you don't believe me. Our treatment centers are stretched to the limit. Take a trip to the centers in Boston or Cambridge if you don't believe me. We have programs in place, but the cry from all concerned is that "we don't receive any support from the Federal Government."

So the truth is that we have a great strategy. We have great intentions. We have great rhetoric. But we don't have the courage to back up that strategy, to carry out those intentions, to make that rhetoric a reality.

The proposed excise tax would raise the necessary money to fund the drug bill. It would do so by raising the current 16 cent tax on beer by 5 cents. It would raise the current 5 cent tax on a gallon of wine by 3 cents. It would raise the current 15 cent tax on a pack of cigarettes by 2 cents.

Every cent that we raise from this tax would go to fighting the war on drugs.

I also believe that the tax itself would save lives. A recent study done by the Smoking Institute at Harvard's Kennedy School of Government revealed that a 16-cent increase on the tax would encourage approximately 3.5 million Americans, including 800,000 teenagers and 2 million young adults aged 20 to 35 to either quit or not to start smoking. Likewise, Prof. Phillip Cook of Duke University, in testimony before the U.S. Senate Committee on Government Affairs last summer concluded that "increasing tax rates [on alcohol] would increase the alcohol beverage price, reduce consumption, and reduce the prevalence of alcohol abuse." So this is sort of like killing three birds with one stone. We can lessen alcohol abuse, reduce cigarette smoking related disease, and begin an earnest campaign to wipe out illicit narcotics in this country.

Mr. President, 3 years ago we voted to fund the fight against the war on drugs, but the President refused to join us. Now, what we must worry about is a weak-kneed Congress—full of bluster about the war on drugs—but unwilling to provide the money necessary to address the problem.

Mr. GRASSLEY. Mr. President, let us get this show on the road. This is a dire emergency supplemental appropriations bill, and for some agencies it is a dire emergency. It is especially so for the Veterans' Administration, which, according to an announcement by Secretary Derwinski, has begun refusing to serve any veteran who was not already been seen at the VA. I have had numerous concerned calls from Iowa veterans unable to understand the delay in passing this legislation. I have a commitment from the Secretary of the Department to use money coming to him from this supplemental to fix malfunctioning cardiac monitoring equipment at the Iowa City Veterans Medical Center. My veterans hospital, and my Iowa veterans in those wards, need that money, and they need it now.

Mr. LEAHY. Mr. President, I support the idea of raising revenues to fully fund the 1988 drug bill so we can really fight the war on drugs. If we are serious about solving the drug abuse crisis, we must have the courage to spend the money to do it. A few pennies on each six-pack of beer or bottle of wine or pack of cigarettes would provide desperately needed funds.

I will vote against Chairman BIDEN's amendment, not because I disagree with the result, but because I disagree with the vehicle. This supplemental appropriations bill is not the right place to rise excise taxes.

I have voted to raise excise taxes to fund the drug bill in the past, and I intend to work with my colleagues—on and off the Judiciary Committee—to accomplish the result of Chairman BIDEN's amendment.

Mr. BYRD. Mr. President, I will be very brief.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I will just have this brief comment.

The distinguished Senator referred to me as the "master." Mr. President, I am not the master. I have never seen myself as being the master of anyone. I have never been accustomed to that in my kind of upbringing. I have only been accustomed to doing my duty as I see it, and that is what I am doing now.

I do not think any further exhortations here will be of any moment. I will simply say that my good friend just has not been listening and, as one who is going to be 72 years old before long, I marvel that I still apparently have better hearing than my good friend who is hardly past half that age.

He said that I said that "we do not need to spend any more money on fighting drugs." I did not say that. I did not say we should not spend any more money on fighting drugs. We should.

What I did say was that we do not need to appropriate any more money in this bill. We already have money that is still unspent.

Now, Mr. President, I move to table the motion to waive the Budget Act reminding Senators that the Senator's amendment is unconstitutional from the point that it seeks to raise revenue in a body which under the Constitution does not originate revenue measures and also that it violates section 302(f) and 311(a) of the Budget Act.

I hope that Senators will support my motion to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia to lay on the table the motion to waive the Budget Act in the consideration of amendment No. 123 offered by the Senator from Delaware.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I also announce that the Senator from Iowa [Mr. HARKIN] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Kansas [Mr. DOLE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Indiana [Mr. LUGAR], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 71, nays 20, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—71

Adams	Ford	Metzenbaum
Baucus	Fowler	Mikulski
Bentsen	Gore	Mitchell
Bond	Gorton	Nickles
Boren	Gramm	Nunn
Breaux	Grassley	Packwood
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Reid
Burns	Helms	Riegle
Byrd	Hollings	Robb
Chafee	Humphrey	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kerrey	Sasser
Cranston	Leahy	Shelby
Danforth	Lieberman	Simpson
Daschle	Lott	Stevens
Dixon	Mack	Thurmond
Dodd	Matsunaga	Wallop
Domenici	McCain	Warner
Durenberger	McClure	Wirth
Exon	McConnell	

NAYS—20

Biden	Glenn	Levin
Bingaman	Graham	Moynihan
Boschwitz	Hatch	Pell
Bradley	Kennedy	Simon
D'Amato	Kerry	Specter
DeConcini	Kohl	Wilson
Garn	Lautenberg	

NOT VOTING—9

Armstrong	Inouye	Murkowski
Dole	Jeffords	Sarbanes
Harkin	Lugar	Symms

So the motion to lay on the table was agree to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. MITCHELL. I yield.

Mr. BYRD. The motion to table the motion to waive was agreed to but the amendment is still before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I will make a point of order against the amendment because the motion to waive failed. I make a point of order under sections 302(f) and 311(a), against the pending amendment.

The PRESIDING OFFICER. The amendment violates both of the sections of the Budget Act. The amendment falls.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, as I indicated earlier, it is my intention that we would continue this evening until we complete two or at the most three more amendments. We have now completed one, which took much longer than anticipated.

It is my hope and I am sure my colleagues share it, that the next one or two will not take as long. I would like to inquire of the distinguished manager of the bill whether there is an amendment ready to go at this time?

Mr. BYRD. Mr. President, I thank the majority leader. The other amendment took a long time. I felt, out of respect for the distinguished Senator from Delaware, who is chairman of the Judiciary Committee and who has been a leader in this fight for a long, long time, that I should not rush to move to table. But I have no intention of taking that long on other amendments.

Mr. President, as I understand it, the distinguished Senator from California [Mr. WILSON], will move to recommit this bill with instructions. If he still intends to do that, that will require a rollcall vote.

I understand that the amendment on Angola is being worked on and that there is an inclination on the part of those who are principals not to ask for a rollcall vote.

Mr. DECONCINI. Will the Senator yield?

Mr. BYRD. The majority leader has the floor. If I may yield?

I ask unanimous consent that I may yield.

Mr. DECONCINI. I thank the distinguished chairman.

Mr. President, we have, from what I understand, worked out this Angola amendment with the Senator from North Carolina and a number of others—the Senator from Vermont. We are prepared to do it without a rollcall vote. We can do it now or whenever the majority leader and the distinguished chairman want to vote.

Mr. BYRD. If the majority leader will continue to yield?

Mr. SIMON. If my colleague would yield, before I would agree not to have a rollcall vote on that I would want to see that amendment. The copy I have seen—I have not had a chance to discuss it with Senator DECONCINI, but I would have to oppose that.

I would urge, whatever final draft you have, that you check also with the administration. I think that would help clarify things.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wonder if we could not agree to have the vote on the motion to recommit and have a time limit on it. I can speak 3 minutes on it—that would be all I need—and have that vote while the Senators who are the principals on the Angola amendment see if they can work that out and see if we might avoid a rollcall vote.

If there is another amendment that a Senator feels absolutely compelled to ask for a rollcall on, do it tonight and let us leave all other amendments until tomorrow and not have any rollcall votes on those amendments.

I will stay here. We will work on them and perhaps we can accept some of them, and those we cannot, let us have a voice vote on them tomorrow and not have a rollcall vote on final passage of this bill. We see how the rollcalls are being cast. There is no doubt as to how the bill is going to go. I think there should be no doubt as to how further drug amendments are going to be dealt with here. I hope we will stop putting Senators through the mill.

So how about that? How about that? We have a rollcall vote on the motion to recommit, have a rollcall vote, hopefully not, on the Angola amendment tonight. Now is there another amendment that we just have to have a rollcall vote on? Otherwise, I will be here to work out the amendment, we will voice vote on it tomorrow and voice vote passage of the bill and get to conference and the rest of you folks can go home.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—WILSON MOTION TO RECOMMIT

Mr. MITCHELL. Since the unanimous-consent agreement now in effect precludes by its terms the motion to recommit, the result of an inadvertent error in the manner in which the list of amendments was typed, and since the distinguished manager and ranking member with whom I have discussed this matter agree that Senator WILSON had intended his proposal to be in the form of a motion to recommit, I now ask unanimous consent that the consent agreement with respect to this bill be modified to permit a Wilson motion to recommit the bill in lieu of the previously identified Wilson drug funding amendment. The subject of the recommital motion will also deal with drug funding and all other provisions of the agreement would remain in effect.

I further ask unanimous consent that the motion be subject to relevant first- or second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

The JOHNSTON. Is there a time agreement on that?

Mr. MITCHELL. I would like to get this aspect of it and then get a time agreement. This merely permits him to offer the motion to recommit which he could not do under the existing unanimous-consent agreement. That was the result of an inadvertent error in the typing of the document that was handed to me. I believe in fairness to the Senator from California, since all concerned now agree that it was an

inadvertent error, that he ought to have the opportunity to make the motion to recommit.

Mr. JOHNSTON. Mr. President, if the Senator will further yield, not to make any difficulty for the majority leader, but I just wonder if a coupling of the two motions, that is to relax the rule and to ask for a short-time agreement, might make it a nice package deal?

Mr. MITCHELL. If the Senator objects, we will be forced to do that.

Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now inquire of the Senator from California whether he would be willing to agree to a time limit on his motion to recommit?

Mr. WILSON. Mr. President, let me respond to the distinguished majority leader by saying that I would be willing to. I do not anticipate that my own remarks would exceed 10 minutes. Perhaps not even that.

Mr. MITCHELL. Mr. President, therefore, I ask unanimous consent that the time for the motion to recommit by Senator WILSON be 20 minutes equally divided under the control of Senators BYRD and WILSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now yield the floor with the suggestion we proceed with this matter. Senators, therefore, should be aware that a rollcall vote will occur in about 20 minutes or less if the time is yielded back, and I will then have an announcement as to whether we are going to proceed beyond that. I thank my colleagues.

The PRESIDING OFFICER. The Senator from California.

MOTION TO RECOMMIT

Mr. WILSON. Mr President, first I thank the majority leader, the managers, and my collegues. Mr. President, the brevity of this presentation is not commensurate with the seriousness of the subject that we are addressing, but much has been said already earlier in the debate on the D'Amato amendment and on the just recently concluded Biden amendment. What we have seen today already, Mr. President, is the effort, notably on the part of those Members of the Senate's Drug Caucus, to increase funding so that we can keep faith with the obligations which we set ourselves under the 1988 Omnibus Drug Act.

We have been told that we should be reassured that because there is so little time left in this fiscal year and so much money remains unobligated, there really is no problem. Mr. President, that misses the point. The obligation that we undertook in enacting the 1988 omnibus drug bill was to move as aggressively as possible on all fronts to deal with what everyone on this floor knows to be by far the most serious threat to our national welfare, one far more serious even than any posed by a foreign enemy. So I am not going to belabor that point.

We all know all too well from our own experience and from the countless speeches heard on this floor the seriousness of that threat. And yet we have not treated that threat with the seriousness that it deserves. Yes, we produced an excellent piece of legislation, but didn't fund it adequately: we wrote a bum check. We created $2.8 billion worth of authorization and we appropriated only $1 billion.

The Senator from New York [Mr. D'AMATO] joins me as a cosponsor of this motion. Earlier today Senator D'AMATO sought not to increase the deficit really but rather to compel House-Senate conferees to adjust the other spending in this supplemental appropriation to enable us to honor our obligation to those whom we promised we would help to win a war against drugs. It is an obligation we undertook to those in classrooms, to those courageous street cops whose lives are made needlessly difficult and dangerous by the magnitude of the drug threat, and to the young citizens they are sworn to protect.

But Senator D'AMATO's effort went unheeded. His amendment was defeated.

Thereafter, the Senator from Delaware, the chairman of the Senate Drug Caucus, Mr. BIDEN, offered essentially the same amendment that was offered last year by the Senator from New Hampshire [Mr. RUDMAN]. It called for an increase in excise taxes, the so-called sin taxes upon spirits, wine, beer, and cigarettes.

And we have just seen that on a motion to table the budget waiver was defeated soundly, even more than by the 60-to-33 vote of last year by which the Rudman amendment was defeated.

Very clearly the Members of the Senate do not wish to raise those excise taxes even to achieve the full funding of something as important as the war on drugs.

And I agree that an excise tax increase is not the best way, not the fairest way to do so. The fairest way would have been to do what we should have but did not do last year when Senator Gramm of Texas offered us the opportunity to find needed funding by a cut back on other less vital spending. Last year you will remember that congressional spending had exceeded the President's budget for many, many budget items. Congress had cut the President's budget for the war on drugs very, very substantially in virtually all of the major antidrug categories. The funding cuts inflicted by Congress on the major anti-drug agencies, the DEA, the FBI, Customs, and the Coast Guard, were truly significant.

Congress made those cuts even though in aggregate spending—and I am now quoting from the official record of the vote by which last year's Gramm amendment was defeated—"it overshot the President's budget by $110 billion and yet slashed drug enforcement programs by $880 million in order to spend it on the Legal Services Corporation, on Defense Department coal purchases, on Amtrak subsidies, on beekeeper subsidies, on all kind of other overfunded programs."

That was said not in condemnation of those co-called overfunded programs. It is simply that our business here is to set and keep priorities. It is the most difficult thing we do. It is what we do most poorly.

And we have, in failing to honor our obligation under the 1988 omnibus drug bill, once again failed in that most important of our duties. We have not, except rhetorically, set the defeat of drug use as our highest priority as we declared it to be in that authorization bill.

That being true, Mr. President, since the Senate does not wish to raise excise taxes—and clearly the body does not, and I do not disagree on that score—and since Senators did not wish to engage in deficit spending even if that might lead only to a conference that would compel adjustment, let us compel adjustment in a much more straightforward manner.

I suggest to you that what we must do is set priorities and keep them. I say that in order to do so, we must look carefully at our war on drugs, and declare that certain functions and activities are more important than others.

Specifically, we should recognize and declare that prevention is more important, certainly much more certain of success, certainly more cost effective and I would suggest far more humane, than the best remedial effort.

Prevention is more important, and must therefore rank as a more urgent requirement than rehabilitation, however much we praise those engaged in rehabilitation, and however much we sympathize with the need for it.

But how much better it is to prevent drug use than to try to rehabilitate drug users. How much better to prevent the crime caused by drug use than to punish those crimes.

The time for rhetoric is past.

The time for action has come. The time has come to keep faith with the obligations which we assumed and did not discharge last year.

Therefore, Mr. President, I move that H.R. 2072 be recommitted to the Committee on Appropriations with instructions that it amend the bill to include funding adequate to meet fully the levels of spending authorized by

the Antidrug Abuse Act of 1988, Public Law 100-690, not otherwise appropriated by that act or any other act for programs in budget functions 30, 400, 500, 600, 700, 750, and 800, and that it reduce spending in other discretionary domestic programs for which funds have already been appropriated by law in order to fully offset this increase in spending.

Mr. President, what that will do will not expand the deficit. It will not aggravate it because there are offsets proposed.

It will not raise taxes of any kind, not sin taxes, not any other taxes. It simply does what the Congress is supposed to do. It will require internal budget reallocation. It will set and keep priorities—the priority being to win a war on drugs and specifically to set our focus and our priority on prevention rather then remedy, on prevention rather than punishment, on prevention in order to avoid a far greater expenditure that will other wise be required by our failure to deal adequately with the threat of drugs. Let us not simply use the phrase but win the war on drugs.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON. I yield such time as the Senator needs. First let me inquire, Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from California has 8½ minutes.

Mr. D'AMATO. Mr. President, I am not going to take long. I have no doubt as to what will be the outcome of the motion by my distinguished colleague from California. After all, here we are talking how we are ready to fight the drug war. We had an opportunity to put some funds up to do that without busting the budget. The Senator from Delaware identified the source, not new to this body. And by the way, it took place last year and it lost 60 to 33. I do not know what the excuse at that time was. I guess it was a transgression against no taxes, and so we were afraid to raise $1 billion to make a meaningful fight on the drug war.

I do not know what the reason was this time, but it did even worse. It lost 71 to 20 because we are afraid to raise taxes 2 cents on a pack of cigarettes, a nickel on a six-pack of beer, and a nickel on a quart of booze, but we are for fighting drugs, Oh, sure, Oh, yes. We will put it in our campaign bulletins but yet when it comes time to appropriating the money, we are not there; we find some reason, some accommodation—oh, the summit agreement. Oh, we are going to wait for the plan to come from on high that is going to tell us how we are going to fight the drug war.

Unless you put the resources there, the greatest plan in the world is not going to do a darned thing. This dire urgent supplemental is a disgrace and it should be recommitted. It is an absolute disgrace.

We should do the business of the people and fund the battle. We do not give enough to FBI agents, drug enforcement agents, customs people, up and down the line, nothing in education. We talk about education, but we are afraid to provide the funds for education, and so we are waiting for the mythical plan.

The Defense Department, we gave them $300 million and those buggers have spent only $200,000 out of $300 million and we make excuses for them. That is a crime. That is a disgrace. What we are doing here in acting on this urgent supplemental and not heeding the need of our people and those out on the firing line, those in the law enforcement area, good and decent people fighting for us, is not right.

We should recommit this. We should see to it that we add the funds sufficient at least to have them hold the fort because they are under siege. They are not certainly going to break out and take on the enemy, but at least they should not be totally overwhelmed. And we are overwhelmed. Our prisons are overwhelmed. Our judicial system is breaking down and we sit here putting in our special projects, myself included. We should send it right back from where it came and do the business of the people.

The PRESIDING OFFICER (Ms. MIKULSKI). Who yields time?

Mr. WILSON. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from California has about 5 minutes and 15 seconds.

Mr. WILSON. Madam President, I will not need all of that but let me point out that in addition to its rejection of the efforts already discussed, the Senate has rejected other efforts to enhance funding of the war against drugs by Senator DECONCINI, another member of the drug caucus, and by Senator SPECTER, another member of the drug caucus. Both have sought to divert to other antidrug activities funds which we last year allocated to the Department of Defense to interdict the drug traffic, but which DOD has not spent. Yet this body decided that it did not in its wisdom wish to see those funds reallocated.

I hope that means we intend to hold the military to the mission that we have explicitly assigned them, the interdiction of drugs beyond the borders of the United States. They have a particular capability in that area.

But I must say that if we are not going to divert funding from those who have not yet obligated it, if we are not going to divert funds in conference as attempted by Senator D'AMATO earlier today, if we are not going to raise taxes, as was attempted by Senator BIDEN this afternoon and last year by Senator RUDMAN, then what we must do, and ought to do instead, is the straightforward thing. We must recommit so as to readjust our priorities.

Otherwise, as has been said on this floor earlier this afternoon with some impatience, some understandable frustration and complete justification, let us not talk about waging a war against drugs if in fact we are not really going to fight to win it.

This motion to recommit will require the adjustment of domestic discretionary spending. It does not fully meet our obligation under the 1988 act. We are setting a priority by focusing upon prevention: upon education and interdiction.

So Madam President, I hope that this motion to recommit will have the support of the majority of this body, because frankly we need to be convincing to the American people. I cannot tell you how many times I have gone home to face expectant questions from law enforcement professionals, from teachers—and not just those teaching the antidrug programs—and from parents. They have said: "You told us you passed a very good piece of legislation. But you have not funded it. How much good can it be without resources?" And, of course, the honest answer to their question is not good enough, not nearly good enough.

Madam President, I yield back the remainder of my time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The chairman of the committee, Senator BYRD, is recognized.

Mr. BYRD. Madam President, with my somewhat limited comprehension of the discourse, I do not understand our continuing to butt our heads against the wall. We went over this once yesterday in the committee. The distinguished Senator from New York was there. And we defeated that effort by a vote of 24 to 5. We have already had two votes here today.

I am amazed that my friends on the other side of the aisle who are pressing these amendments are either unaware of what their administration's position is on this matter, or they do not have any faith in the administration. Why do they continue to press for more money? And finally, I am utterly confounded by the thought that, while they are not spending the money that is already appropriated, somehow by appropriating more money we can make them spend what we have already appropriated.

So I do not understand that. I guess it is beyond me. I am going to ask my distinguished colleague and ranking member to take the remainder of the time, and move to table when he is ready to move to table.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Oregon.

Mr. HATFIELD. Madam President, I again suggest that money is but a tool. It is not an end in and of itself, nor is it a goal. For many years, we were told if we appropriated x number of dollars, we could buy that much security. So everybody wanted to increase the number of dollars because that meant we had an increased amount of security. Before that period of time, primarily under the Reagan administration, as I indicated earlier, we all learned that from the days when Mr. Roosevelt perpetrated upon this country the idea that money in itself solved the social problems or an economic problem. Now we have made it bipartisan so it is not a partisan comment or observation to be made at this moment.

Madam President, I think the administration understands that we have to approach these matters with a strategy, with a plan, with an orderly expenditure of money. I am surprised at people who intimate that we have done nothing or we have done very little. We have done about 5.3 billion dollars' worth of effort thus far in putting to disposal that rather sizable bit of tax money to begin this drug war.

The general, the czar, whatever you want to call him, has not yet had the time to fully develop the plan. In fact, the Senate itself indicated September 1 was the time that we thought was reasonable to develop a plan, and he is in that process and committed to meeting that deadline.

All of this talk about increasing drug expenditures at this time somehow to me lacks either understanding of the problem with good intentions, certainly well motivated, as we all consider it probably the most cancerous problem we face on the domestic scene. But nevertheless, we have to be responsible, and we have to do it in an orderly fashion. I could agree with the passion and with the concerns expressed here today by every Member. I would certainly heartily endorse those concerns, and passion that has been sensed here on the floor by those who have spoken.

But, again, we have to be accountable for these moneys, and we have to be able to put them to a carefully developed plan and strategy which is about to be delivered in accordance with the law.

Therefore, on this bill, we must be concerned about the primary purpose of the bill, and the primary purpose is to provide the funding for the veterans, and for others who under entitlement and by law are put in jeopardy the longer we delay the passing of this appropriations bill.

Therefore, I yield back the remainder of the time on behalf of the chairman of the committee, and at the same time, Madam President, I move to table the motion made by the Senator from California, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to lay on the table the motion of the Senator from California. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Georgia [Mr. FOWLER], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I also announce that the Senator from Iowa [Mr. HARKIN] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Kansas [Mr. DOLE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Indiana [Mr. LUGAR], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 29, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—61

Adams	Ford	Matsunaga
Baucus	Garn	McClure
Bentsen	Glenn	Mikulski
Bond	Gore	Mitchell
Boren	Graham	Packwood
Breaux	Grassley	Pell
Bumpers	Hatfield	Pryor
Burdick	Heinz	Reid
Byrd	Helms	Riegle
Chafee	Hollings	Robb
Cochran	Johnston	Rockefeller
Cohen	Kassebaum	Roth
Conrad	Kasten	Rudman
Cranston	Kennedy	Sanford
Danforth	Kerrey	Sasser
Daschle	Kerry	Shelby
Dixon	Kohl	Simpson
Dodd	Lautenberg	Stevens
Domenici	Leahy	Wirth
Durenberger	Levin	
Exon	Lieberman	

NAYS—29

Biden	Gramm	Nickles
Bingaman	Hatch	Nunn
Boschwitz	Heflin	Pressler
Bradley	Humphrey	Simon
Bryan	Lott	Specter
Burns	Mack	Thurmond
Coats	McCain	Wallop
D'Amato	McConnell	Warner
DeConcini	Metzenbaum	Wilson
Gorton	Moynihan	

NOT VOTING—10

Armstrong	Inouye	Sarbanes
Dole	Jeffords	Symms
Fowler	Lugar	
Harkin	Murkowski	

So the motion to lay on the table the motion to recommit was agreed to.

Mr. HATFIELD. Madam President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. BYRD. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I support a fully funded war on drugs. I voted for that last year, and I voted for that again today. Unfortunately, the full Senate has indicated that it is unwilling to do this. It should not ask the Appropriations Committee to do that which it is unwilling to do itself.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, I would like at this time to inquire of the chairman and ranking member as to what progress they have made during the preceding debate and vote with respect to further amendments on this bill so that I may give guidance to our colleagues as to the remainder of this evening?

Mr. BYRD. Madam President, first of all, let me say that I would hope that if we need another rollcall vote or two, let us have it tonight and call the work on this bill done. I will stay longer, Senator HATFIELD and I. We can work out any amendments that can be done by voice. I can come in tomorrow and we can handle voice votes on amendments tomorrow and we can pass the bill on a voice vote if nobody indicates they wish to have a rollcall on it, and that way we could have rollcalls and other Senators could go on.

So that brings me to the following as response to the distinguished majority leader:

On this side of the aisle we have an amendment by Mr. ROCKEFELLER. We can handle that one. That will not require a rollcall vote.

We have an amendment by Mr. LEVIN. That is a sense-of-the-Senate amendment, a Secretary of Transportation study of leverage buyouts in airline industry and delay LBO's until study is completed. As far as I am concerned we can work on that and he is still working on the amendment. We can discuss it, voice vote it, if it is agreeable with him that we not have a rollcall vote.

There is an amendment by Mr. DECONCINI and others dealing with Angola. I understand they have worked that amendment out. That is Mr. SIMON, Mr. DECONCINI, Mr. HELMS, and others. And that would not require a rollcall vote as I understand it.

There is an amendment by Mr. BUMPERS, a technical amendment, to the Magistrate Act. As far as I am concerned we can work that one out and have a voice vote on it or accept it.

There is an amendment by Mr. METZENBAUM on the Winter Woods Lake in Cincinnati, OH. I am not sure he is still even going to offer that amendment, but in any event that should not require a rollcall vote.

So, we now turn the page to my friends on the other side of the aisle.

Mr. DOLE had a drought assistance amendment. I think we could handle that with a vote by voice vote. I do not think we need a rollcall vote on that.

There is an amendment by Mr. HATCH. Mr. HATCH has two amendments. I understand that he only intends to call up one, and if we could call that amendment up tonight I am told that one might require a rollcall vote.

Mr. WALLOP has two amendments, fire rehabilitation and fire research.

Mr. HATFIELD. I do not think they should require a rollcall vote.

Mr. BYRD. The distinguished ranking member says he does not believe that requires a rollcall vote, either of those.

The Warner amendment.

Mr. HATFIELD. I do not think that will require a rollcall vote.

Mr. BYRD. No rollcall vote.

The Kasten amendment repealing section 89.

Mr. HATFIELD. It will require a rollcall vote.

Mr. BYRD. It would require a rollcall vote.

So there are two that would require rollcall votes.

Kasten national accounting system for international agencies.

It is a little hard to discuss the amendments when the authors thereof are not here on the floor.

Mr. HATFIELD. There will be no rollcall on KASTEN's second amendment.

Mr. BYRD. There will be no rollcall on the second Kasten amendment.

There is an amendment by Mr. GRAMM on Central and South American refugees.

Mr. HATFIELD. There should not be a rollcall vote necessary on that.

Mr. BYRD. I understand there would not necessarily be a rollcall vote on that one, Central and South American refugees.

Mr. HEINZ has an amendment which I discussed with Mr. BENTSEN during the last rollcall. I understood Mr. BENTSEN did not have any problem with that amendment.

Mr. HATFIELD. I do not think there should be a rollcall vote on that on Heinz.

Mr. BYRD. So I say to the leader, it seems to me that it boils down to an amendment by Mr. HATCH.

Mr. HATFIELD. One by Mr. HATCH and one by Mr. KASTEN.

Mr. BYRD. One by Mr. HATCH and one by Mr. KASTEN that would require a rollcall vote.

If we get those two rollcall votes out of the way, we could voice vote the rest of it, and finish the bill tomorrow without rollcall votes and go to conference.

Mr. MITCHELL. Madam President, if I may inquire, do I understand that the amendment by Senator HATCH would be offered by the Senator from Arizona and would provide for a delay in the effective date of the Catastrophic Health Insurance Act?

Mr. MCCAIN. If the majority leader will yield, basically that is it with the exception of a few provisions, yes.

Mr. MITCHELL. Madam President, I will suggest the absence of a quorum briefly, and I would like to discuss this matter with the manager and the distinguished acting Republican leader.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I suggest that the Senate now proceed to the consideration of Senator DECONCINI's amendment, which he has reached agreement on which will not require a rollcall vote and which would take no more than 30 minutes.

In the interim, as he is doing that, we are attempting to work out an agreement with respect to the remaining amendments with the possibility of votes. I apologize to my colleagues for the inconvenience of the uncertainty with respect to whether or not there will be another rollcall vote. This meeting is necessitated by the numerous and conflicting demands and requests regarding schedule which we are making every effort to accommodate, as well as the need to act on this very important legislation.

Madam President, I yield to the Senator from Arizona.

The PRESIDING OFFICER. For anyone who would seek to offer an amendment, the Chair advises whoever will seek to offer an amendment that there are two committee amendments pending.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 52, LINE 18 THROUGH PAGE 54, LINE 4

Mr. DECONCINI. Madam President, I ask unanimous consent that the pending amendments be laid aside, and that I be permitted to offer my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DECONCINI. Madam President, I am also prepared to enter into a time agreement with the Senator from Illinois for 30 minutes, equally divided between the Senator from Illinois and myself, and I ask unanimous consent that that be approved.

The PRESIDING OFFICER. Will the Senators departing the Chamber please be a little quieter?

Mr. LEAHY. May we have order?

Mr. BYRD. Madam President, I have no objection to 30 minutes, equally divided, on the amendment.

The PRESIDING OFFICER. Does the Senator from West Virginia have an objection?

Mr. BYRD. No, Madam President, I have no objection.

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

The Senator from North Carolina will withhold.

Would all Senators not participating in the debate please sit down? It is difficult for the Chair to observe who seeks recognition.

The Senator from North Carolina may now proceed.

Mr. HELMS. Madam President, how will the 15 minutes be divided?

Mr. DECONCINI. Will the Senator yield?

Mr. HELMS. Certainly.

Mr. DECONCINI. The unanimous-consent request that I made is that there be 30 minutes on this amendment, equally divided, 15 under my control and 15 under the control of the Senator from Illinois.

Mr. HELMS. Can I be assured of 3 or 4 minutes?

Mr. DECONCINI. The Senator is so assured right now.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 125

Mr. DECONCINI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. HELMS, Mr. GRAHAM, Mr. SYMMS, and Mr. HATCH, proposes an amendment numbered 125.

Mr. DECONCINI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Before the period at the end of the committee amendment ending on line 4 of page 54, insert the following:

: *Provided further,* That $26,000,000 of such amount shall be made available upon enactment for contribution with respect to implementation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988 (hereafter known as the Tripartite Agreement) only if the President deter-

mines and certifies to the appropriate congressional committees that—(1) all armed forces of the South West Africa People's Organization (SWAPO) have left Namibia and returned north of the 16th parallel in Angola in compliance with the agreements, (2) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date, and (3) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date;

Provided further, That an additional amount of $51,900,000 may be made available after September 1, 1989, for implementation of the Tripartite Agreement only if, no later than August 20, the President has determined and certified to the appropriate Congressional committees that—(1) each of the signatories to the Tripartite Agreement is in compliance with its obligations under the Agreement, (2) the government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), specifically with respect to its obligations as of August 1, 1989, (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have terminated all funding and other support to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations;

Provided further, That funding of these activities by the United States may not be construed as constituting recognition of any government in Angola; and

Provided further, That the term "Bilateral Agreement" means the Agreement Between the Government of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United Nations of December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988;

Provided further, That the term "appropriate Congressional committees" means the Committees on Appropriations, Foreign Affairs, and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and the Select Committee on Intelligence of the Senate; and

Provided further, That the Secretary of the Treasury shall instruct the United States Executive Directors to the International Monetary Fund and the International Bank for Reconstruction and Development (also known as the "World Bank") to vote in opposition to the entry of the government of Angola into these financial institutions or to approve any loans to Angola.

Provided further, That it is the sense of the Senate that (1) the United States should vigorously promote direct talks between the leaders of Union for the Total Independence of Angola (UNITA) and the Movement for the Popular Liberation of Angola (MPLA) to achieve an agreed process of national reconciliation among Angolans, (2) the United States should provide appropriate and effective assistance to UNITA until a national reconciliation agreement has been implemented, (3) in the context of a negotiated settlement of the civil war and national reconciliation in Angola, the President should consider (1) the provision of humanitarian assistance to help the Angolan people to reconstruct their war-damaged economy, resettle displaced persons and refugees, reduce hunger and malnourishment, and otherwise recover from the injuries inflicted by their lengthy civil war and the foreign intervention it had invited, and (b) the establishment of diplomatic relations with a new Angolan government, and (4) the United States should continue its policy of refusing to recognize a government in Angola until a national reconciliation agreement has been implemented.

Mr. DECONCINI. Madam President, this amendment is offered by myself and Senator HELMS, Senator GRAHAM of Florida, Senator SYMMS, and Senator HATCH.

The supplemental appropriations bill includes $125 million for international peacekeeping activities, $77.9 million of which is earmarked for southern Africa. Specifically this $77.9 million represents the United States contribution to the U.N. peacekeeping in order to implement the tripartite agreement between the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa signed at the United Nations on December 22, 1988.

This amendment seeks to assure that the United States contributions are conditioned on full compliance with the tripartite agreement, and that the United States continue its present policy of support for UNITA and national reconciliation.

The amendment does the following:

First. Provides that $26 million of the total is available upon enactment—subject to certain conditions—and that the remaining $51.9 million be made available on September 1, 1989—also subject to certain conditions.

Second. The conditions for the first $26 million are consistent with the agreement and are as follows:

That all armed forces of SWAPO have left Namibia and returned north of the 16th parallel in Angola;

That the United States has received assurances from all parties to the agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991; and

That the U.N. Secretary General has assured the United States that all Cuban troops will be withdrawn by July 1, 1991.

Third. The conditions for the remaining $51.9 million are consistent with the agreement and require the President to certify to the House and Senate Appropriations, Intelligence, and Foreign Relations Committees by August 20, 1989 the following:

That all of the signatories to the agreement are in compliance with it;

The Government of Cuba has complied with its obligations under article 1 relating to the redeployment and withdrawal of Cuban troops;

The Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare;

The U.N. and affiliated agencies have ended all funding/support for SWAPO; and

The U.N.-Angola verification mission is demonstrating professionalism, diligence, et cetera, in verifying the departure of Cuban troops and troop rotations.

Fourth. The funding of these peacekeeping activities in no way constitutes recognition of any government in Angola.

Fifth. The United States shall vote in opposition to the entry of the Government of Angola into the IMF or World Bank, or loans from these to Angola.

Sixth. Sense of the Senate on United States policy toward Angola:

The United States vigorously promote direct talks between UNITA and the MPLA toward achieving national reconciliation.

The United States should provide appropriate and effective assistance to UNITA until a national reconciliation agreement has been implemented.

If there is a negotiated settlement of the civil war and national reconciliation in Angola, the President should consider:

First, the provision of humanitarian assistance to help the Angolan people to reconstruct their war-damaged economy, resettle displaced persons and refugees, reduce hunger and malnourishment, and otherwise recover from the injuries inflicted by the civil war, and

Second, the establishment of diplomatic relations with a new Angolan Government.

The United States should continue its policy of refusing to recognize a government in Angola until a national reconciliation agreement has been implemented.

Mr. LEAHY. Madam President, I rise to speak in opposition to this amendment. As the chairman of the Foreign Operations Subcommittee I, together with the ranking member, Senator KASTEN, agreed to the use of unexpended foreign aid funds for the first $25 million for the U.N. peacekeeping force in Namibia. I therefore have a strong interest in the successful implementation of the historic agreement signed last December. That agreement calls for the total withdrawal of Cuban troops from Angola and of South African forces from Na-

mibia, and for the eventual independence of Namibia.

The first part of this amendment provides that the funds contained in this supplemental appropriations bill for the U.N. peacekeeping force may only be disbursed in two installments, and only if the President makes eight separate certifications.

Those certifications have already been explained by the amendment's sponsors, and on their face they appear harmless. For the most part they just restate what has already been agreed to. But an important difference is that the amendment would prevent full funding for the one organization—the United Nations—that is capable of monitoring violations and resolving problems which develop in the implementation of the agreement.

We are already months behind in our payments to the U.N. peacekeeping force. These funds were due back in March. Now we are saying we will not even make these funds available today, but rather sometime after September.

The sponsors of this amendment say they want this agreement to succeed. They want the Cubans to leave. So do I. Then why withhold support for the organization responsible for seeing that they do? This agreement hangs together by a thread. We have already seen in Namibia how easily it could unravel at any moment. We should give the United Nations the support it needs to monitor the Cuban withdrawal. They need these funds today, not 6 months from now.

The second part of this amendment, although nonbinding, bothers me even more. In the first place, it has absolutely nothing to do with this supplemental appropriations bill. UNITA is not a party to the agreement on the withdrawal of the Cubans, and in any event the administration has made it abundantly clear that it plans to continue aid to UNITA.

Second, I oppose this part of the amendment because I have always believed that the policy of aiding UNITA's insurgency is wrong.

For more than a decade, Jonas Savimbi has been trying to overthrow the Angolan Government. The Angolan civil war is a continuation of political battles and tribal rivalries that predate independence. It is not the simple East-West, totalitarianism-versus-freedom struggle some people maintain.

First there is the issue of Savimbi himself. Schooled in guerrilla war by Chairman Mao, Savimbi espouses socialism, depends on South Africa for the bulk of his military supplies, and may be the only person alive who can be toasted as warmly in South Africa, North Korea, or Washington.

Next is the issue of the Angolan Government, a government with strong ties to the Soviet Union but which has as its largest trading partner the United States. It is one of our most creditworthy economic partners in Africa. They pay their debts. American corporations like Chevron are lobbying against the overthrow of the Angolan Government, precisely because they can do a productive business with it.

By aligning ourselves with Savimbi we became a military partner of South Africa in the eyes of the other African States and the rest of the world. That is directly contrary to our policy of opposing apartheid in all its abhorrent forms.

What have we accomplished by aiding UNITA? Tens of thousands of civilians killed and maimed. Hundreds of thousands near starvation, many of whom are alive only because of food donated by the United States.

This amendment helps keep the war going. It furthers the suffering. It continues to provide an excuse to the Angolan Government to seek military aid from the Soviets.

Just as I do not believe such a policy of military force can bring peace to Central America, neither can it do so in southern Africa. In doing so we do immeasurable damage to our credibility as an opponent of apartheid.

Finally, this amendment rules out any improvement in relations with the Angolan Government until there is "national reconciliation."

What is national reconciliation? It isn't defined. This is a completely open-ended restriction. Does it mean until Savimbi becomes a member of the government? Does it mean until free elections?

If it means what it says, it requires us to continue to aid UNITA even if the Soviets stop supplying the Angolan Government with arms. And we must withhold any recognition to the Angolan Government—for example an "interest section" like we have in Cuba, even as the Angolan Government tries to reduce its reliance on the Soviet Union.

That doesn't make sense. We need flexibility now. Getting the Cubans and South Africans to withdraw from Angola and Namibia is major step toward peace in southern Africa. The Cuban withdrawal is on schedule. This is a time to give the administration every means at its disposal to keep the momentum going.

Mr. HATCH. Madam President, the winds of peace and freedom continue to blow strong throughout the world, stirring the ever-burning embers of democracy and bringing renewed hope. Nowhere have these fires burnt longer and under harsher measures than in southern Africa.

After 13 years of war in Angola—a war which has squandered thousands of lives, billions of dollars, and retarded the growth of potentially the richest country in Africa—there is talk of peace. With the United States acting as moderator and the Soviet Union observing, the Governments of South Africa, Cuba, and Angola signed an agreement to achieve the independence of Namibia and the withdrawal of the 55,000-member Cuban expeditionary force from Angola. While the agreement addresses the international aspects of the regional conflict, it is only the first step. Meaningful peace will not come to southern Africa unless the internal conflict is resolved; until there is genuine national reconciliation in Angola. The challenge facing the Bush administration and the 101st Congress is how to ensure that the two remaining U.S. foreign policy goals of national reconciliation and free and fair elections are achieved.

If national reconciliation is to be achieved and free and fair elections a reality rather than rhetoric, the United States must ensure all remaining Cuban forces are withdrawn from Angola by July 1, 1991. How can we achieve this objective without upsetting the terms of the tripartite agreement?

First, as a major contributor to the U.N. Peacekeeping Forces in Angola, the United States is in a position to condition our portion of this funding on the continued assurances from Cuba, Angola, and the Secretary General of the United Nations, that all Cuban troops will be withdrawn from Angola by July 1, 1991. To do otherwise would be to rely on unconditioned good faith assurances from two Communist Marxist regimes.

Second, the U.S. Congress has in the past and must continue in the future to demonstrate its resolve to achieving a democratic outcome in Angola. We must continue to support and reinforce the administration's position where appropriate. Therefore every effort must be made to demonstrate to the MPLA that there is no military solution. The United States remains committed to providing appropriate and effective assistance to UNITA until a peaceful resolution of the conflict is achieved leading to national reconciliation and free and fair elections.

Everyone would like to see peace brought to Angola. However, after 500 years of Portuguese colonial rule, 8 years of war against the Portuguese, and a 13-year struggle against a Soviet-Cuban-backed Marxist regime, peace without democracy will not be acceptable to the Angolans, nor to the American public.

The United States must now ensure strict compliance of the tripartite agreement and simultaneously provide a program for achieving genuine national reconciliation and free and fair elections in Angola.

A program of national reconciliation in Angola must be developed and pur-

sued by the new administration and Congress. This program must be carried out simultaneously with the implementation of the accord and must include a cease-fire between the MPLA and UNITA, negotiations without precondition, formation of a government of national unity to come about through the negotiations, and setting of a date for free and fair elections. Without a solution to the internal conflict, the international accord will be in jeopardy.

Dr. Jonas Savimbi, president of UNITA, has taken the first step toward bringing lasting peace to Angola. On March 13, Dr. Savimbi proposed a five-point initiative for peace and progress toward genuine national reconciliation. The two most significant points of the plan go to the heart of the MPLA's continued refusal to hold talks with UNITA on national reconciliation. These include Dr. Savimib's offer to remove himself from the negotiations for and participation in a government of national unity.

By not imposing any conditions to negotiations, UNITA has widened the bargaining process and sent a good faith signal for the tone of the negotiations on national reconciliation. The MPLA must be pressured to respond in a positive fashion.

To date, however, the MPLA has offered only "amnesty" and "clemency" to UNITA supporters with no mention of democratic reforms, individual rights, or multiple political parties. More recently, the MPLA has launched a traditional Marxist propaganda and disinformation campaign to discredit UNITA in the international community and remove the pressure to reach an agreement with UNITA. Such allegations of UNITA human rights abuses against its own leadership are unsubstantiated.

In reality, Angola today reflects the unbearable consequences of the MPLA's anarchistic policies: economic devastation, civilian hardships and casualties, low morale and desertion within the MPLA troops, and the resource drain of financing a decade-long war of attrition. Moreover, without the popular support of the people, the MPLA has had to rely upon an externally propped-up militarization of the country to retain power and control. The cost of this policy of self-preservation has been tremendous and has created one of the worst human rights records in Africa.

With the completion of the first stage of the Cuban troop withdrawal on April 1, increased pressure must be placed on the MPLA regime to join UNITA in negotiating for peace. The MPLA must understand that if it continues to pursue a military option, rather than engage in a dialog of genuine national reconciliation with UNITA, then the United States will not hesitate to apply increased pressure to reach the goals of democracy and free and fair elections.

It is the bipartisan policy of the United States to establish genuine national reconciliation and the free and fair elections in Angola. The tripartite agreement is the first and necessary step toward these goals. It is now up to the new administration and the 101st Congress to ensure the remaining two goals are met and the agreement is truly a genuine step toward long-term peace in the region.

Mr. DECONCINI. Madam President, I know the Senator from Illinois has some questions that he would like to discuss.

Mr. SIMON. Madam President, I am opposed to this amendment. The administration is opposed to this amendment. Frankly, we are in a situation where we do not have the votes to stop this amendment. I recognize that. But I want to make the record here so that when we get to conference, I hope this amendment, at least certain portions of it, can be eliminated.

The last thing the United States ought to want to do is appearing to drag our feet when Namibia is about to become independent. Namibia is the last colony on the continent of Africa and yet, with this amendment, what we are doing is, we are slowing down the money for the peacekeeping operation for the United Nations in Namibia. I think that is very unwise. And I think there are some other very practical problems with this amendment.

If my colleague from Arizona would yield on a few questions, the first page of the bill, frankly, other than holding back on the U.N. money, I do not see any problem on the first page with the exception of the one word that, apparently at one point his staff put in "the" but it was changed to "all." Is that correct? On about line 10 there? Talking about "all armed forces of the South West Africa People's Organization."

Mr. DECONCINI. Let me respond, if the Senator would yield. It is my understanding that there never was a draft that did not have "all armed forces" there. If there was one, I did not see it or approve it.

Mr. SIMON. Yes. I have one that had that marked off. But the difficulty with saying "all" is we are not dealing with an army like the United States of America. We are dealing with a guerrilla force. And if the Senate were to say "all organized armed forces," then that becomes acceptable. Or if he just says "the armed forces" in general, but we are going to have stragglers all over the country. I think it is impractical to say we are not going to give any money to the United Nations unless every single member of the armed forces of SWAPO is out of Namibia.

I make that point, first of all.

Then, there are two problems on page 2. Down on point No. 3, it says part of the conditions for the President providing money to the United Nations for this peacekeeping operation is, "the Cubans have not engaged in any offensive military action against UNITA, including the use of chemical warfare."

Obviously, I do not want chemical warfare anywhere. But the agreement that Chester Crocker, to his credit, the Assistant Secretary for Africa, entered into with Cuba and with the other nations, is that the Cubans would not take any offensive action, military action against UNITA, in UNITA territory.

This goes beyond that. This goes beyond the agreement. I suggest that is a problem.

Then, just a couple of lines below that, where it says, "the United Nations and its affiliated agencies have terminated all funding," and then, "and other support."

My question is, What does the Senator mean by "and other support"?

Mr. DECONCINI. If the Senator would yield, let me say that that is draftsmanship to be comprehensive, to include everything, to be assured that there is no support going to SWAPO.

We put in "funding" because that definitely is something that you can track. If there was other support going, whether it be propaganda support, whether it be materials that happen to be surplus from some other adventure, we want it to stop. That is the purpose of the amendment.

Mr. SIMON. Let me be more specific. There is a U.N. Institute for Namibia, on which some people are members of the board who are members of SWAPO.

Is that a violation of this?

Mr. DECONCINI. Let me ask my friend from North Carolina, who worked on this with me, to respond, if he would, regarding the question of the Senator from Illinois.

Mr. HELMS. I beg your pardon?

Mr. DECONCINI. The Senator from Illinois asked me a question. I asked if he would direct it to the Senator from North Carolina.

Mr. SIMON. I asked the question of our colleague and friend from Arizona, on page 2 of the amendment it says: "The United Nations and its affiliated agencies have terminated all funding and other support." This is one of the conditions for aiding the United Nations.

Mr. HELMS. That is correct.

Mr. SIMON. The question is: "And other support." For example, there is a U.N. Institute on Namibia where, on the board, I understand, there are people who are members of SWAPO.

Does this mean, if that continues, we have to knock out all U.N. aid?

Mr. HELMS. It is my understanding it has been discontinued anyhow, I say to the Senator. It is a longstanding policy.

Mr. SIMON. I am sorry, I did not hear the answer.

Mr. HELMS. Pardon?

Mr. SIMON. You are saying the U.N. Institute is no longer in existence?

Mr. HELMS. No, the U.S. support for the U.N. Institute.

Mr. SIMON. But that is not the question.

Mr. HELMS. What is the question?

Mr. SIMON. Because the condition in the amendment is that the United Nations stop all funding "and other support" to SWAPO, the question is, if they are supporting the U.N. Institute for Namibia and there are SWAPO members on it, does that preclude the President sending the peacekeeping money to the United Nations?

Mr. HELMS. Senator, the answer is yes, we mean "all support," to be candid on it.

Mr. SIMON. That certainly clarifies the situation. But I would point out to my colleagues, that creates additional problems for the President of the United States.

I understand why the administration opposes this amendment.

Then, on page 4 is a portion of the amendment that I personally disagree with. The administration agrees with it and I know my friend from Arizona agrees with it, as does my friend from North Carolina. That is continued aid to UNITA.

There is a very fundamental question that we have never faced up to in this body and that is whether we support, through military means, people who want to overthrow a government that we do not happen to like.

Back some years ago, under President Gerald Ford, we made a substantial step forward that has never been put into statute form, and that is we said the CIA will no longer be involved in assassinations.

President Gerald Ford issued the first Executive order on this and that has been followed by Executive order by Jimmy Carter and Ronald Reagan, and my hope is that President Bush will do the same shortly. For us to be supplying arms for a group that is viewed by Africans generally as a puppet organization for South Africa I think is unwise. I have to say when the administration opposes this amendment they do not oppose that particular provision. This is just my opinion.

Then finally on page 4 of the amendment, I would like to ask my friend from Arizona or my friend from North Carolina, you talk about UNITA and the Government of Angola getting together and working out a reconciliation, and I strongly agree with that portion of the amendment. There is no question that the two sides ought to be getting together, and even if the United States were to stop all military supplies, the UNITA forces do have substantial support. Savimbi is not going to disappear so they have to get together.

When you say the fourth to the last line of the bottom the establishment of diplomatic relations with a new Angolan Government, if the Government of Angola gets together with Savimbi and UNITA forces and they agree that there are going to be two members of the cabinet or something like that, does that constitute a new Angolan Government?

Mr. DECONCINI. If the Senator will yield, my interpretation here and the intent here is if we have a national reconciliation agreement, you are talking about a new government. As you know, our Nation does not even recognize any government in Angola. That is why we talk about the MPLA instead of the government. We talk about the UNITA instead of a government. We talk about two very strong forces that we want to try to pull together. That is the intent.

Mr. SIMON. I would just point out that the Assistant Secretary of African Affairs has talked about an interest section with the Government of Angola. I think what is likely to happen is that there will be, if reconciliation takes place, a couple of cabinet members given to the UNITA forces. As I understand the amendment, then that would constitute, in your opinion, a new Angolan Government.

Mr. DECONCINI. It would in mine. I will not be the one interpreting it, in all fairness to the Senator from Illinois. My answer is that we do not even recognize the Government there. So when we ever get around to recognizing it, that is going to be a new government as far as we are concerned. If it is one that is reconciled with UNITA and MPLA, then to me that should satisfy the Senator's——

Mr. SIMON. That is a satisfactory explanation. As far as I am concerned, it will be good in the RECORD as far as legislative intent.

Again, Madam President, I think this amendment is well intentioned. I have the greatest of respect for my colleague from Arizona who makes a huge contribution here. There is no more active Senator on this floor than the Senator from North Carolina. He is in there fighting all the time. But I think it is unwise. It is going to pass; it is going to pass by voice vote. If I asked for a rollcall, it would pass overwhelmingly. I recognize that. But I want to make a record here, I hope that in conference this will be removed or at least those portions that present real problems to the administration will be removed.

I think we are making an imprudent step with this amendment this evening. It might even be said that most amendments adopted after 9 o'clock when we are in session are imprudent amendments. I am not sure. I will let someone else test that theory. I will vote against it, Madam President. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I will say to the distinguished Senator from Illinois that I think this amendment which will be adopted after 9 o'clock will be an exception to the rule that he mentioned.

In connection with the questions he asked of me, in the interest of time, I ask unanimous consent that the questions I asked of Secretary Cohen and his answers there to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.N. INSTITUTE FOR NAMIBIA

Senator HELMS. The UN Institute for Namibia is, as you know, controlled by a "senate" which is controlled by SWAPO.

What mechanisms are in place to insure that the Institute for Namibia is not used by SWAPO during the forthcoming election campaign?

It is being reported that the Institute for Namibia will send its students to Namibia to work as "campaign managers." It looks as if these students will remain under U.N. scholarships, which are funded in part by the U.S., during this time. Are these facts accurate? Is the U.S. prepared to protest these steps if they occur?

Answer. The UN Institute for Namibia is one of the bodies affected by the UN's adherence to the impartiality package. As such, it cannot support any single party during the Namibian independence transition.

We are not aware of any plan for UNIN students to work in Namibia as "campaign managers" during the election campaign.

If they were to work for any political party in Namibia while receiving UN-funded scholarships, that would clearly be in violation of the impartiality principles.

We would certainly be prepared to protest to the UN should that occur and would attempt to halt this or any other UN support for any Namibian political party.

ANGOLA: RECOGNITION

Senator HELMS. Follow-up (Angola) no. 16: Chester Crocker, in his USIS interview just prior to President Bush's inauguration characterized the MPLA as the government of Angola. Our government has never recognized Angola as a government. Is it? Is it up to Dr. Savimbi to recognize the MPLA as a government of all Angolans?

Answer. As you rightly point out, our government has never recognized the MPLA as the government of Angola. In practical terms, this does not mean that the authorities in Luanda do not exercise governmental authority. Dr. Savimbi himself has said there is a government in his country, and he has pointedly refused to set up a parallel government in exile or in the UNITA-controlled zone of Angola. It does not follow that this government is representative, or that we should necessarily recognize it.

Senator HELMS. Follow-up (Angola) no. 17: You indicated, Mr. Cohen, that there was no plan to establish a so-called liaison office in Luanda. Well and good, since that was an odd idea from the outset. What conditions would have to be met for the United States to recognize the MPLA as legitimate, and the sole government in Angola?

Answer. The United States would only consider normalization of relations with the government of Angola in the context of the full implementation of the New York accords and of a process of genuine national reconciliation in Angola.

Senator HELMS. Follow-up (Angola) no. 22: Are we agreed that no government exists or should be recognized in Angola until free, fair, internationally supervised, multiparty elections have been held there?

Answer. Normalization of relations with Angola, meaning recognition and diplomatic relations, will not take place outside the context of a process of genuine national reconciliation to which UNITA is a willing party.

Mr. HELMS. I would say, Madam President, that these will respond directly and adequately to the concerns of the distinguished Senator from Illinois. Madam President, with respect to the issues raised about recognition, I know of nothing in the sense of the Senate language which is inconsistent with the Bush administration's stated policy in support of Dr. Savimbi and his UNITA forces.

Madam President, the legislation before us appropriates nearly $80 million for peacekeeping assistance to the United Nations Transition Assistance Group [UNTAG] and the United Nations Angola Verification Mission [UNAVEM]. As most members are aware, these sums are intended to implement the U.S. share of the peacekeeping agreements signed in New York on December 22, 1988 by South Africa, Angola, and Cuba.

There are two of these agreements: The Tripartite Agreement signed by the three countries I just mentioned, and relating to the transition of Namibia to an independent State; and the bilateral agreement between Angola and Cuba relating to the withdrawal of Cuban troops from Angola.

Senators will recall that at the end of the session last year, in October the State Department attempted to get this body to write a blank check to fund these agreements even before they had been concluded—even before the Senate had an opportunity to study what was being done and to assess whether the agreements were in the interest of the United States and supported the cause of freedom in the world.

Madam President, I followed those negotiations very carefully. I was deeply disturbed that the negotiations did not include a major interested party. They did not include representatives of Dr. Jonas Savimbi's Union for the Total Independence of Angola, known from its Portuguese acronym as UNITA.

Now let us not kid ourselves. UNITA controls the majority of the territory of Angola. The majority of the people of Angola have joined in supporting UNITA's cause fighting for the freedom of their country. Their opponents, the MPLA, control only Luanda and the other major cities—and they are able to do that only because of two reasons. The first is that there are over 60,000 Cuban soldiers protecting the illegal MPLA regime in Luanda, assisted by billions of dollars of war equipment supplied by the Soviet Union and other Communist countries.

And, I might add, assisted by the use of chemical warfare. Yes, Madam President, there have been credible reports by international experts which show conclusively that the MPLA and its Cuban mercenary force have used poison gas against the people of Angola. This week I have received new information which confirms that there have been continuing Communist poison gas attacks against UNITA as recently as March and April.

So that is the reason that the MPLA has been able to dominate the people of Angola against their will.

The second reason that this domination continues is the role of private Western corporations that support the Communist domination of Angola. The key one, of course, is the Chevron Corp. The oil royalties which Chevron has paid to the Communist regime in Luanda have gone directly to support the foreign mercenary force from Cuba. Chevron was asked by the Reagan administration 2 years ago to consider the national interest, and stop supporting Communism in Luanda. But Chevron refused.

Of course, as long as Chevron retained its interest in the Angolan oil fields, its status as an American corporation gave it sanctuary from the liberation forces of UNITA. If Chevron had any decency it would have withdrawn years ago. Of course, other foreign firms might have bought out Chevron's interest, but then the oil fields would not be an American sanctuary. The freedom fighters of UNITA would have been free to attack the oil production, and deprive the Communist regime of its main source of revenue, thereby sending the Cuban troops home and ending Communist domination in that war-torn country.

But that was not the strategy followed in the Tripartite negotiations. Dr. Savimbi was left out of the negotiations. The man who has had the longest experience fighting for freedom in Angola was left out of the arrangements. We had a lot of reason to be worried about the outcome of such negotiations.

When the agreements were unveiled on December 22, 1988, our caution was well advised. We note that these agreements cut off Dr. Savimbi's main line of logistical support. They proposed a stepped withdrawal plan for the Cuban troops that provided the very minimum of hope that the Cuban troops would leave, and no assurance whatsoever that the MPLA and the Cubans could attack UNITA during the withdrawal period, using poison gas if they chose.

And that fear is now confirmed. The Cubans are using poison gas as they supposedly withdraw.

Another problem is that Angola has been providing SWAPO, the Marxist revolutionary group trying to take over Namibia with base camps. SWAPO has failed for years even to establish a military presence in Namibia. It has attempted cowardly terrorist attacks against the civilians of Namibia, but it has never been able to establish a military base in Namibia, nor has it obtained support among the numerous black and colored ethnic groups that are not part of the Ovambo tribe. There were great fears that SWAPO would try to take advantage of the strong support that the United Nations has given it over the years to establish itself in Namibia by force.

That fear also came true. As the effective date of the agreement approached, 1,600 to 2,000 armed SWAPO guerrillas crossed the border into Namibia in an attempt to establish a base of military operations—thus seeking to overturn the agreement that the SWAPO military would stay north of the 16th parallel in Angola. Only the outraged cries of world opinion and the courageous actions of local and South African troops finally forced SWAPO to withdraw the guerrillas. They are owed a debt of gratitude for preserving the integrity of the peace process.

It is clear, Madam President, that the peacekeeping efforts are deeply flawed. We are dealing with Marxist Leninists who do not believe in keeping agreements, who want to seize and hold power by force, not by democratic means. The U.N. enforcement mechanism is flawed. Its means are weak, and its intentions are flawed.

That is why, Madam President, that we cannot continue to write a blank check to the United Nations. If we give them all the money that they are asking for up front, then we have completely lost the leverage that is needed to ensure that the United Nations enforces the bargain with an even hand. Once they have the money in their pocket, they can do as they please. They can go back to one-sided support of Angola and Cuba. They can go back to proclaiming that SWAPO is the sole legitimate representative of the Namibian people, and installing a Communist government in that country.

And we will not be able to do anything about it.

Therefore, this amendment puts a few conditions on the release of the money to the United Nations, and it asks the President to certify that specific fair and even-handed actions have been taken before the money is released.

Moreover, it splits the money package in two, releasing the money as it is needed, not providing a slush fund up front. The procedure is exactly the same as a private citizen faces when he borrows money from the mortgage company to build a house. He does not get all the money at once. When the excavating and basement are completed, he gets money to pay for that. When the roof is on, and the house finished, he gets the rest of the money. Moreover, the bank sends people out to look at the construction site to make sure that the work claimed has actually been done.

That is all we are attempting to do here. We want to make sure that the United Nations is honest, and does what it is supposed to do.

Finally, it adds some sense of the Senate language, some free advice to the President, on supporting the liberation of Angola, and supporting the reconciliation process between UNITA and the MPLA.

Now, here is what the amendment does in detail:

SUMMARY OF THE AMENDMENT

First, releases $26 million immediately if the President certifies that:

All SWAPO forces have left Namibia and have returned north of the 16th parallel in Angola.

The United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement (Cuba and the MPLA) that all Cuban troops will withdraw from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date.

The U.N. Secretary General has assured the United States that it is his understanding that all Cuban troops will leave Angola by July 1, 1991, and none will remain.

Second, the amendment releases an additional $51.9 million after September 1, 1989, if—no later than August 20—the President has determined and certifies that:

Each of the signatories of the Tripartite Agreement (Cuba, South Africa, and the MPLA) is in compliance with the agreement.

Cuba has been withdrawing its troops to fulfill its obligations as of August 1, 1989.

Cuba has not attacked UNITA, including the use of chemical warfare against them.

The United Nations and its affiliated agencies have ended all funding and other support for SWAPO.

The U.N. Verification Mission in Angola [UNAVEM] is demonstrating diligence, impartiality, and professionalism in verifying Cuban troops withdrawal.

Third, the amendment makes it clear that funding provided in this legislation does not constitute recognition of any government in Angola.

Fourth, the amendment also directs the Secretary of the Treasury to instruct the Executive Directors of the World Bank and IMF to oppose the entry of Angola—or to approve any loans to Angola.

Fifth, the last section of the amendment proposes four sense-of-the-Senate provisions:

First, that the United States Government ought vigorously to promote direct talks between Angola's two political parties: UNITA and MPLA.

Next, that the United States should continue to provide appropriate, effective assistance to UNITA until a national reconciliation agreement has been implemented.

A third provision suggests that after a negotiated settlement to Angola's civil war and national reconciliation, the President should consider providing humanitarian assistance to help the Angolan people to reconstruct their country and to establish normal diplomatic relations with the new Angolan Government.

And finally the amendment specifies that the United States should continue to refuse to recognize a government in Angola until a national reconciliation agreement has been implemented.

Madam President, with respect to the first issue raised by the Senator from Illinois, I am puzzled by tonight's assertion that the administration is somehow troubled by the phrase requiring the President to certify that "all armed forces of the South West Africa People's Organization [SWAPO] have left Namibia and returned north of the 16th parallel in Angola in compliance with the agreement."

This is precisely what is required under the Geneva Protocol—that is, that "SWAPO's forces will be deployed to the north of the 16th parallel." Indeed, the amendment's focus is on "all armed forces" rather than the broader requirement of the agreement which states that "all forces" should be to the north of the 16th parallel.

Additionally, the language which includes the reference underscoring "all" is also consistent with the administration's stated position. Ambassador Hank Cohen was asked about this precise issue during his confirmation process. I submitted the question to him, "How is the United States going to be sure that SWAPO terrorists are all based north of the 16th parallel?"

Ambassador Cohen responded, "UNTAG forces deployed in Angola are making sure that all SWAPO forces are located north of the 16th parallel as called for in the Geneva Protocol. We will use all the means at our disposal to verify that this takes place."

Thus, I think upon examination by Mr. Cohen, upon his return from abroad, we will find that the administration is not as troubled by this language as some fear tonight.

Madam President, with respect to the concerns about offensive activity, let me read the provision, that "the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical weapons."

Again, this is totally consistent with the representations made by the State Department during the past several months. In briefings to Senators and staff, it has been stressed that one of the benefits to accrue to Dr. Savimbi's forces was that the Cubans would no longer be engaged in offensive activities. This language merely puts that understanding into the conditions which would be binding on the parties.

The only written guarantee that the State Department has produced indicates such a commitment, stated in the Geneva Protocol, applying only with respect to certain areas of Angola controlled by UNITA at the time of the signing last year. However, no such limitation has heretofore been stated or implied.

We have relief upon the administration's descriptions in this regard, and I certainly would not want to see them weakened.

Let me add a word about the chemical warfare issue in Angola.

Professor Heyndrickx, head of Ghent University [Belgium] Toxicology Department is a recognized expert on chemical warfare who led a U.N. team which confirmed poison gas use in Iraq. He has made several trips to Angola and has consistently warned about chemical weapons use in Angola. In a recent, letter, Professor Heyndrickx stated, "From the analyses that we are doing at the moment in my laboratory of a Russian bomb used in a recent attack we are having a 100-percent proof of the use of chemical warfare agents. We face again the big problem of decontamination and treatment of the patients."

Ambassador Cohen agreed to meet with Professor Heyndrickx to discuss his findings, a meeting I hope to be able to facilitate. Mr. Cohen concurred that it would be a dramatic escalation of the war in Angola if, indeed, the Angolans or the Cubans have begun using poison gas, and he indicated that he would seek United States intelligence confirmation of Professor Heyndrickx's findings.

Mr. Cohen also expressed a willingness to talk with a West German journalist, Mr. Andreas Horst, who has

just returned from Angola. Mr. Horst is now in the United States and shows graphic video footage of the aftermath of poison gas use in Angola—specifically a form of hydrogen cyanide—near Cuito Cuanavale, the site of previously reported poison gas use.

Madam President, in summary the amendment establishes an orderly procedure for the payment to the United Nations of contributions for U.N. peacekeeping activities in southern Africa.

Surely it should be recognized as prudent to establish reasonable conditions on the disbursement of funds through the United Nations. The United States has had experiences, on several occasions, which demonstrate the need to monitor closely the U.N.'s performance where U.S. interests are at stake.

For instance, it has taken the Congress several years to prod the U.N. toward budgetary reforms which make the institution more accountable. Similarly, the Congress has had to restrict U.S. funds to the U.N. because of its funding for terrorist organizations such as SWAPO and the PLO.

So the record reflects the need for vigilance to ensure that the U.N. performs its role appropriately and fairly.

This is particularly important in southern Africa because of the U.N.'s longstanding support for the South West Africa People's Organization, SWAPO. The U.N. has also been at the forefront of support for the Marxist government of the MPLA in Angola and in opposition to the forces of Dr. Jonas Savimbi in the Union for the Total Liberation of Angola [UNITA].

That is why it is so crucial that the Senate adopt reasonable and phased funding of the peacekeeping operations while also ensuring that proper verification is made of the commitments made by each of the parties to the December peace agreements.

We have already seen the violation of the accords by SWAPO which poured across the Namibian border on April 1 at what was supposed to have been the beginning of the process implementing U.N. Resolution 435.

We have seen the overly sympathetic comments of the Brazilian general who is in charge of the U.N. monitoring team in Angola. He said earlier this year that the U.N.'s role would be essentially that of accepting the pledges of the Cubans and Angolans that the Cubans were, in fact, withdrawing. That is no verification at all.

I ask unanimous consent that an exchange with Ambassador Cohen during his confirmation hearing be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator HELMS. Has the United Nations fulfilled its obligation with regard to the impartiality package, namely, has all funding for SWAPO from all U.N. organs now ceased?

Ambassador COHEN. Senator, the Secretary General has given the order to stop all funding, and I believe it has stopped.

Senator HELMS. Has SWAPO been stripped of its status as the sole and authentic representative of the Namibian people?

Ambassador COHEN. A resolution doing that has not been enacted.

Senator HELMS. Is it in the stage of being drafted?

Ambassador COHEN. I do not know that.

It would be in the General Assembly, which meets in the fall. But at that point, it may be moot.

Senator HELMS. Has the U.S. Council for Namibia ended all public activities now?

Ambassador COHEN. Excuse me, Senator, would you repeat that?

Senator HELMS. The U.S. Council for Namibia—has it ended all of its public activities now?

Ambassador COHEN. I believe it has, Senator,

Senator HELMS. Has the office of the comissioner stopped all political activities now?

Ambassador COHEN. I believe it has, yes, sir.

Senator HELMS. During the confirmation hearings, back in February, we were assured by Tom Pickering that there would be no attempts by SWAPO to exploit the wording of the U.N. Security Council Resolution 632, which was, as you know, the enabling resolution, which states in part that the Security Council plans to implement a resolution 435 in its "original and definitive form."

In addition, the State Department has made other verbal assurances along the same lines. This notwithstanding, there have already been at least two attempts to exploit this ambiguity—once the U.N. Council for Namibia, in order to justify continuing the SWAPO funding, and once by SWAPO to justify their incursion in Namibia.

Now, what can we do, Mr. Cohen, to underscore the need for U.N. impartiality?

Ambassador COHEN. Senator, I believe the U.N. has done everything correctly so far.

They have made sure that all of the U.N. agencies stop doing everything that they had been doing in support of SWAPO. The U.N. inside of Namibia has adhered to all of the agreements, as far as I can tell. So I personally feel the U.N. is doing a good job in applying all of the rules.

Mr. HELMS. Madam President, we want to be certain that there is, and continues to be, strict compliance with the principles of impartiality and that no funding or other support is provided to SWAPO by the United Nations or any of its affiliated agencies.

I will simply conclude by thanking the distinguished Senator from Arizona [Mr. DECONCINI] for the privilege of working with him on this amendment. I think a very fine amendment has been produced. It has not been easy, but it has been fun to work with the Senator, and I thank him very much. I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President I ask unanimous consent that my amendment be in order, number one. I further ask unanimous consent that page 2 of my amendment be modified to reflect changes which I send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

Before the period at the end of the Committee amendment ending on line 4 of page 54, insert the following:

: *Provided further,* That $26,000,000 of such amount shall be made available upon enactment for contribution with respect to implementation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988 (hereafter known as the Tripartite Agreement) only if the President determines and certifies to the appropriate Congressional committees that—(1) all armed forces of the South West Africa People's Organization (SWAPO) have left Namibia and returned north of the 16th parallel in Angola in compliance with the agreements, (2) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date, and (3) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date;

Provided further, That an additional $51,900,000 of such amounts may be made available after September 1, 1989, for implementation of the Tripartite Agreement only if, no later than August 20, the President has determined and certified to the appropriate Congressional committees that—(1) each of the signatories to the Tripartite Agreement is in compliance with its obligations under the Agreement, (2) the government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), specifically with respect to its obligations as of August 1, 1989, (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have terminated all funding and other support to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations;

Provided further, That funding of these activities by the United States may not be construed as constituting recognition of any government in Angola; and

Provided further, That the term "Bilateral Agreement" means the Agreement Between the Governments of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United Nations of December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the

Republic of South Africa, signed at the United Nations on December 22, 1988;

Provided further, That the term "appropriate Congressional committees" means the Committees on Appropriations, Foreign Affairs, and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and the Select Committee on Intelligence of the Senate; and

Provided further, That the Secretary of the Treasury shall instruct the United States Executive Directors to the International Monetary Fund and the International Bank for Reconstruction and Development (also known as the "World Bank") to vote in opposition to the entry of the government of Angola into these financial institutions or to approve any loans to Angola.

Provided further, That it is the sense of the Senate that (1) the United States should vigorously promote direct talks between the leaders of Union for the Total Independence of Angola (UNITA) and the Movement for the Popular Liberation of Angola (MPLA) to achieve an agreed process of national reconciliation among Angolans, (2) the United States should provide appropriate and effective assistance to UNITA until a national reconciliation agreement has been implemented, (3) in the context of a negotiated settlement of the civil war and national reconciliation in Angola, the President should consider (a) the provision of humanitarian assistance to help the Angolan people to reconstruct their war-damaged economy, resettle displaced persons and refugees, reduce hunger and malnourishment, and otherwise recover from the injuries inflicted by their lengthy civil war and the foreign intervention it had invited, and (b) the establishment of diplomatic relations with a new Angolan government, and (4) the United States should continue its policy of refusing to recognize a government in Angola until a national reconciliation agreement has been implemented.

Mr. SIMON. If my colleague will yield, can you explain the changes being made?

Mr. DECONCINI. Yes, I can. The change made on page 2 is to satisfy the Budget Committee. It is a technical change only. I will share it with the Senator right now.

Madam President, I ask unanimous consent that the junior Senator from Arizona [Mr. MCCAIN] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Madam President, I thank the Senator from North Carolina. We have worked on a number of things together. We both came to this issue with a little different approach. We were able to put it together.

I particularly want to thank the staff of the chairman of the Appropriations Committee, our staffs and the chairman himself for being involved in these delicate negotiations, and, of course, last but not least by any means, the Senator from Illinois and also the Senator from Vermont, who I know have great reservations about this amendment and were willing to discuss it and put their objections on the RECORD and not belabor us by staying here any later. I believe the Senator from Illinois is correct that it is pretty clear it would pass, and I appreciate that immensely.

I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER (Mr. FORD). All time has been yielded back. The Senator from Illinois.

Mr. SIMON. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes, 41 seconds.

Mr. SIMON. I yield 2 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I too will refrain from asking for a rollcall on this particular amendment, but like the Senator from Illinois I associate myself with his remarks, his concerns about this amendment on the basis of the principle. I wish to indicate that I will vote no in the voice vote. Secondly, I would only add again its difficulty in the conference. We will have sufficient problems in the conference with the drug matter that is related to the House version of the bill, and so for two reasons, one procedural but more importantly the principle of this amendment I would like to have the RECORD show that I am voting "no."

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question now is on agreeing to the amendment of the Senator from Arizona [Mr. DECONCINI].

The amendment (No. 125), as modified, was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to the committee amendment, as amended.

The excepted committee amendment on page 52, line 18 through page 54, line 4, as amended, was agreed to.

The PRESIDING OFFICER. The question recurs on the first excepted committee amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that the excepted committee amendment on page 12, line 14 through page 14, line 24 be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The excepted committee amendment on page 12, line 14 through page 14, line 24 was agreed to.

AMENDMENT NO. 126

(Purpose: To provide additional funds for the Kansas Agricultural Research Experiment Station at Kansas State University)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. DOLE, proposes an amendment numbered 126.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, line 10, before the period add the following:

"Provided further, That of this amount, $275,000 shall be transferred to the Cooperative State Research Service to be paid to the Kansas Agricultural Research Experiment Station at Kansas State University for the purposes of disseminating information to farmers on methods of alleviating drought problems and exploring improved water conservation techniques.".

Mr. DOLE. Mr. President, it is no secret that conditions in Kansas are hot and dry. The drought in Kansas has persisted through the fall, winter, and spring months causing major losses in the winter wheat crop, as well as damaging pastureland, and water and forage conditions.

DROUGHT AMENDMENT

Today, I am offering an amendment to provide some small help to struggling farmers and ranchers in Kansas. This modest amendment provides $275,000 to the Kansas Agricultural Research Experiment Station at Kansas State University to enable them to distribute information and technical assistance to drought-stricken farmers and ranchers.

I have asked that the $275,000 needed to pay for this measure be transferred from the Agricultural Stabilization and Conservation Service salaries and expenses account. This will leave ASCS with $39,725,000 to make it through the rest of the year—an amount that should be more than adequate to avoid any cutback in services.

WHEAT

The situation in Kansas is bad and getting worse. The recent rains, which were too little and too late to help farmers, have caused an added problem: Growing weeds that will damage the quality of the remaining wheat crop.

According to the most recent projections, Kansas farmers will only harvest 202 million bushels of wheat this year. That is 36 percent less than last year's poor harvest, and less than one-half of our normal production potential. Some observers suggest losses of

more than $800 million on the wheat crop alone.

CATTLE AND FORAGE CONDITIONS

For cattle producers the recent rains did lessen some of their problems, however, most farm experts now believe that it will take a year or more for the State's drought-damaged grazing lands to recover. Rebuilding beef cow herds is expected to take even longer.

Pastures have been rendered useless, because ponds and other water sources have gone bone dry. Farmers and farm experts alike tell me that the conditions of native range and tame pastureland have not been this bad since 1935.

Shortages of forage, hay, and water have forced stockmen to sell off their cows and calves, and place them in feedlots much sooner than normal. Reports indicate that the number of cows sent to slaughter in Kansas plants each day has now reached 1,400 head of cattle. That compares with only 200 to 300 cows a day last year.

CONCLUSION

It is clear we have a disaster in our State. My modest amendment will not come close to solving the problem, but it is a much needed first step to helping the farmers in Kansas make it through the current drought crisis. I urge my colleagues to support this amendment.

Mr. HATFIELD. Mr. President, this amendment has been cleared on both sides of the aisle.

Mr. BYRD. Mr. President, this amendment has been discussed by Mr. DOLE and by Mr. HATFIELD with me and with staff. There is no objection. We are happy to accept it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 126) was agreed to.

Mr. HATFIELD. Mr. President, I now move to reconsider the vote by which the amendment was greed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair. I am not seeking recognition.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CATASTROPHIC HEALTH CARE

Mr. McCAIN. I thank the Chair. While we are waiting to conduct further business, I wish to say a few words about an amendment that will be pending which I will be proposing concerning catastrophic health care legislation. I wish to alert my colleagues as to the contents of this amendment. I know it is going to be very controversial and I am aware there will be spirited debate.

Very briefly, Mr. President, the amendment when it is presented will preserve the spousal impoverishment, skilled nursing, and long-term hospitalization benefits and delays implementation of all other provisions in the act including the supplemental premium for 1 year. It will permit Congress time to thoroughly study what changes ought to be made to the act and according to CBO the flat premium of $4.80 to pay for the cost of these benefits.

Mr. President, I know that my senior citizen organization friends, some 40 of them who have supported this legislation, will be interested that we will probably be voting on this amendment on Tuesday. I intend to propose it at the appropriate time, and I believe that it is very important, in fact a crucial issue as far as the senior citizens of this country are concerned. I will elaborate at the appropriate time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I noted that my distinguished colleague, the Senator from Arizona, had discussed earlier this evening that he intends to offer an amendment related to catastrophic health insurance. I wonder if the Senator from Arizona will yield for a few questions on the nature of his amendment?

Mr. McCAIN. I am pleased to yield.

The PRESIDING OFFICER. Does the Senator yield?

Mr. McCAIN. I will be happy to yield.

The PRESIDING OFFICER. The Senator does yield.

Ms. MIKULSKI. Mr. President, this Senator, as the Senator knows, has been an advocate of a provision in the catastrophic legislation to deal with spousal impoverishment. The policy that we established was that a family had to accept responsibility when a spouse went into the nursing home but that Government rules should not bankrupt the family in order to qualify for Medicaid. It was probably one of the most popular components of catastrophic, and as the Senator from Arizona knows it was a safety net for those who had saved and cared for their family, and so on.

I wonder, when the Senator offers a delay in implementation, what is the impact of this on the spousal impoverishment provision?

Mr. McCAIN. I wish to, first of all, state that I do not believe this provision would be in the act if it were not for the efforts of the Senator from Maryland. She has shown an abiding interest and concern on this issue.

I do not mean to embarrass her when I point out that she has had a loved one who has experienced a long-term catastrophic illness which has caused her and her family to undergo important sacrifices, but far more important than that she has had a keen and sensitive feeling toward those seniors who have been afflicted by the problem of spousal impoverishment.

I would like to answer the Senator's question by saying that the spousal impoverishment portion of the act will be protected, that portion of the act for which she is responsible to a large degree. I think it would be inappropriate entirely if that protection were removed under any circumstances.

Ms. MIKULSKI. So then just to affirm the statement of the Senator, it is the intention of the Senator that in offering his amendment the spousal impoverishment provision not be delayed as it is funded by Medicaid and therefore exempt from the Medicare aspects of the bill?

Mr. McCAIN. That is indeed correct. I would like to, if I could, elaborate. The skilled nursing and the long-term hospitalization benefits would also be preserved in this bill. And they would be paid for by the $4.80 premium that has already been levied as a part of this legislation, and would prevent any further premiums to be paid by anyone for the benefits that would be rescinded as part of this legislation.

Ms. MIKULSKI. I thank the Senator. That answers my questions.

I yield back the remainder of my time.

Mr. McCAIN. Mr. President, I again thank the Senator from Maryland, who has been involved in these issues far longer than I have, and who is responsible for the very critical and crucial aspect of protecting one from having their spouse experience a catastrophic illness and thereby wipe out the life savings of the entire family.

Ms. MIKULSKI. I thank the Senator very much.

Mr. SIMON. Mr. President, are we ready to move on?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Ms. MIKULSKI. The Senator from Maryland yields the remainder of her time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. If I could ask my colleague from Arizona, as I understand the bill, not only on these details, but it continues the monthly payment and the income tax provision is eliminated.

Mr. McCAIN. That is exactly correct, and any additional costs outside of the $4.80 are eliminated.

Mr. SIMON. That is eliminated for 1 year to give the Finance Committee a chance to look at this thing and come up with something sensible.

Mr. McCAIN. The Senator from Illinois is exactly correct.

Mr. SIMON. I think that makes more sense than almost anything I have heard up to this point. Unless I hear something to the contrary, I am going to be in there supporting the Senator from Arizona. I thank him.

Mr. McCAIN. I thank the Senator from Illinois.

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

Mr. CHAFEE. Mr. President, I wonder if he will withhold.

Mr. SIMON. I withhold.

The PRESIDENT OFFICER. Does the Senator from Rhode Island seek recognition?

Mr. CHAFEE. I do.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

ORDER OF PROCEDURE

Mr. CHAFEE. I do not want to hold up proceedings if the majority leader is ready to proceed on something.

I ask unanimous consent that we might return to morning business for 1½ minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE and Mr. DURENBERGER pertaining to the introduction of S. 1112 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, references have been made a number of times during the day by various Senators, and myself included, to letters that have been received from various department heads, and agency heads in the administration.

I ask unanimous consent that a statement of administration policy dated June 1, entitled "H.R. 2072—Dire Emergency Supplemental Appropriations, Fiscal Year 1989," addressed to Senator BYRD of West Virginia, and Congressman WHITTEN of Mississippi be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2072—DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1989

The Bipartisan Budget Agreement of 1987 limited both the President and the Congress to supplemental requests for FY 1989 that are "dire emergencies." The President's supplemental request was consistent with this agreement. Unfortunately, the House action on H.R. 2072 clearly was not. It would add $1.1 billion to the FY 1989 deficit for discretionary programs, many of which are not in dire need of funds. Unquestionably, the House bill would have to be recommended for veto.

In view of the need for prompt action on veterans funding and the lack of agreement on what constitutes a "dire emergency," the Administration has shown a willingness to compromise on the requirement for offsets. We stated during House Committee action that we could reluctantly accept a compromise package. In subsequent floor action, our Statement of Administration Position said that we could go as far as an increase relative to current law of $715 million in discretionary budget authority and $706 million in discretionary program outlays (as scored by OMB). At the same time, however, we stated that *we could go no further.*

The Senate Committee bill is clearly a major improvement compared to the House-passed bill. It is within striking distance of the ceiling noted above. We estimate, overall, that it would add a net $49 million relative to the outer limits on discretionary budget authority we firmly established during House debate and in subsequent discussions with the Senate Appropriations Committee.

The Committee is to be commended especially for their decision to strike the $822 million in drug program funding that is in the House bill, and for opposing efforts to add back funds in Committee. While drug abuse is clearly one of America's most serious problems, we do not believe that an FY 1989 supplemental for drug programs is necessary. A $1 billion drug supplemental was enacted only half a year ago. The $5.3 billion appropriated for FY 1989 for drug programs is a 39 percent increase over FY 1988. That funding is not being exhausted prematurely. A Congressionally mandated drug strategy to guide federal spending is due on September 1; and a major additional increase is planned for FY '90. The Administration urges the Senate to oppose any effort to add drug funding on the floor and to insist on the Senate Committee position in conference.

We do not believe that all the funds appropriated in the Senate Committee bill represent dire emergencies. But we recognize that there is room for argument on this. What is of primary concern to us, at this point, is the need to restore fiscal responsibility, while also assuring prompt enactment of necessary veterans funding. Given our expressed willingness to accept a compromise in the House, and given the Senate Committee's good faith effort to draft a bill within the fiscal parameters we established for an acceptable compromise, we can support moving the committee bill forward to Conference.

However, we remain very concerned about the prospect of add-ons on the Senate floor and in conference. And we are firm in our commitment to an overall limit on adverse deficit effects as noted above. Any further adverse contribution to the deficit on the Senate floor or at the conference stage would cause the Director of the Office of Management and Budget to recommend to the President that he veto the bill.

Mr. BYRD. Mr. President, I ask unanimous consent that a letter addressed to me dated May 30, 1989, by Richard G. Darman, Director of Management and Budget, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 30, 1989.

HON. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to discuss the pending supplemental appropriations bill with you today. I hope very much that we may be able to reach agreement on a compromise that will allow us to fund essential programs for veterans, while also protecting our interest in fiscal discipline.

With that objective in view, please permit me to note a few points of perspective, which I would hope you and your Committee might consider as you begin Committee mark-up.

(1) *The Bipartisan Budget Agreement of 1987 limited both the President and the Congress to supplemental requests for FY '89 that are "dire emergencies."* I believe that the President's supplemental request was consistent with this agreement. Unfortunately, the House action (H.R. 2072) clearly was not.

(2) *The House-passed bill (H.R. 2072) is far, far out of bounds; and unquestionably would be recommended for veto.* It not only fails to meet the "dire emergency" standard; it also shows utter disrespect for fiscal discipline. It seeks $822 million more in drug funding—in spite of the following facts: a large drug supplemental increase was enacted only half a year ago; that supplemental funding is not being exhausted prematurely; a Congressionally-mandated drug strategy to guide federal spending is due on September 1; and a major additional increase is planned for FY '90. Beyond drugs, however, the House bill also would increase a host of other programs for which funding is not needed now. In total, it would add more than $1.5 billion to FY '89 discretionary budget authority—and would increase the FY '89 deficit by more than $1.1 billion. To my mind, it seems absurd for us to spend hundreds and hundreds of hours in good-faith bipartisan budget negotiations only to see the product of the prior bipartisan negotiations thus thrown carelessly to the wind.

(3) *We do not mean to be unreasonable.* I recognize that the "dire emergency" standard, although reasonably clear in commonsense terms, nonetheless lends itself to some argument. With that reality in view—and mindful of the need for veterans funding—I indicated some willingness to compromise in both the application of the standard and the requirement for offsets. Consistent with this, we stated during House floor action that we could reluctantly accept what was known as the "Conte compromise." That compromise would have increased the FY '89 deficit by $416 million more than the President's proposed supplemental—$409 million of which was in discretionary programs. In subsequent floor action, our Statement of Administration Position said that we could go as far as an increase relative to current law of $715 million in discretionary budget authority and $706 million in discretionary program outlays. (This is as scored by OMB; the CBO numbers are somewhat lower.) *But we also stated that we could go no further.*

It was partly on the basis of that clear limit that a strong, veto-sustaining number of House Republicans and Democrats voted against popular add-ons that were not dire emergencies. Out of respect for their courageous votes, as well as a sense of fiscal responsibility, I am obliged to repeat: *We do not pretend to have the sole right to determine what programs merit funding at this point. But we do believe we have a responsibility to protect fiscal discipline.* We therefore remain willing to accept an ultimate compromise—but on terms that have no greater adverse effects on the deficit than we were willing to accept in the House.

(4) *The Senate draft "Committee Print" of H.R. 2072 (as we understand it) is clearly a major improvement relative to the House-passed bill—and is within striking distance of meeting the "adverse effect" test noted at point (3) above.* We estimate, overall, that it would add a net $822 million to the FY '89 deficit relative to the President's proposals, and a net $47 million relative to the outer limits on discretionary budget authority we established during House debate.

(5) *However, we are very concerned about the prospect of additions on the Senate floor and in conference with the House.* While the Senate bill might be brought within range, the House bill is so clearly out of bounds that I must wonder whether it will be possible for us all to reach agreement at the conference stage. In view of the House action, I have serious doubts. And I do not wish to be misleading: a Senate Committee bill that stays within the limits noted above would be acceptable; but that is as far as I believe we should go. Any further adverse contribution to the deficit on the Senate floor or at the conference stage would cause me to recommend veto.

Please let me repeat that I appreciate having the opportunity to discuss these issues with you—in what I hope you find to be a constructive spirit. We look forward to continuing to work with you in the pursuit of a reasonable compromise—one that can be enacted so as to meet the need for prompt funding of veterans programs, while also meeting our shared responsibility for fiscal discipline.

Thank you very much for your consideration of our views.

With best regards,

RICHARD G. DARMAN.

Mr. BYRD. Mr. President, I ask unanimous consent that a letter by Dick Thornburgh, the Attorney General, dated May 31, 1989, addressed to me as chairman of the committee be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, May 31, 1989.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Committee on Appropriations is about to consider H.R. 2072, the 1989 supplemental funding bill. The bill passed by the House will prove troublesome to the Administration and to many members of the Senate on both sides of the aisle.

There is an agreement on 1989 funding. There are supplementals which the President has forwarded and for which the Administration has identified necessary offsets in order to operate under the current Bipartisan Budget Agreement of November 20, 1987. Among the supplementals requested by the Administration is $41.8 million for the Department of Justice. The primary thrust of this request is start-up and implementation of our Financial Institutions Fraud Initiative. In addition, we seek $2.1 million for the Civil Rights Division's Office of Redress Administration (for the Japanese-American internee reparation program) and $2.9 million to make required payments to families of deceased public safety officers who have died in the line-of-duty.

As you know, the President recently announced another major funding initiative ($1.12 billion) affecting the Department of Justice for 1990. This is the third set of 1990 enhancement initiatives the President has adopted since President Reagan submitted his 1990 budget on January 9, 1989. The other two added: (1) $150 million for State and Local Drug Grants and $5 million for the Drug Enforcement Administration's overseas operations; and (2) $50 million for the 1990 portion of the Financial Institutions Fraud Initiative.

You should also remember that the Reagan 1990 budget contained significant increases in spending for law enforcement—especially drug law enforcement—programs. Our 1990 budget annualizes a number of enhancements provided by the Anti-Drug Abuse Act supplemental in 1989.

Given this significant history of Administration support for added law enforcement resources in 1990 compared to 1989's current appropriation, it does not appear prudent to add the significant sums being discussed for possible floor action this week. For example, the Federal Prison System's bedspace needs are being addressed by the $1.5 billion in 1990 funding requested for the "Building and facilities" appropriation. We currently have over $540 million of operating availability in 1989. We should wait for enactment of the new authority being requested for 1990. For the Federal Bureau of Investigation, I urge that the greater need, at the moment, is to initiate our Financial Institutions Fraud Initiative before adding $15 million in drug related funding in 1989. Roughly, the $15 million amount is requested in the 1990 budget as an annualization of the 1989 drug supplemental. We can wait for four months. Additional federally supplied drug grant money will go further in 1990 than in 1989 because in 1990 the Anti-Drug Abuse Act of 1988 required States to match our funds on a 50/50 basis compared to a Federal 75/State 25 matching basis in 1989.

In summary, we need to abide by the budget agreements negotiated between the two branches. Further, the Administration has presented a viable, reasonable and significant funding program for law enforcement for 1990 and has identified its 1989 supplemental priorities. Relative to 1990's proposals, the Administration will do the requisite planning in 1989 in order to implement the proposals in 1990—assuming Congress passes the Administration's 1990 budget proposals on a timely basis.

I urge you to consider the Administration's and my views as the Senate Committee on Appropriations considers the 1989 supplemental bill.

Sincerely,

DICK THORNBURGH,
Attorney General.

Mr. BYRD. Mr. President, I have a letter from the Department of the Treasury which I ask unanimous consent be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that there will be consideration of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Bill of 1989. The bill as passed by the House contains $96 million in additional budget authority for fiscal year 1989 for the Department of the Treasury related to the War on Drugs. In May, the Secretary testified before the Subcommittee on Treasury, Postal Service and General Government that fighting the war on drugs was one of the top priorities of the Department of the Treasury. This is a commitment the Treasury Department shares with the President.

Currently, Treasury is devoting $521.1 million to the War on Drugs in fiscal year 1989. We believe this funding level is adequate to enable the Department to aggressively participate in the overall anti-drug effort.

As important as our anti-drug efforts are, the Department is also committed to reducing our Nation's budget deficit and meeting the requirements of Gramm-Rudman-Hollings. Also, I must point out that the Department has other functions and duties that are vital to government and the American people, including the collection of revenue, managing the Nation's fiscal activities and executing the Nation's international economic policies. The Department can meet its commitments this fiscal year with current funding not only in the War on Drugs but in these other vital responsibilities that fall upon the Department.

Therefore, I would urge that additional funding not be appropriated for activities included in the War on Drugs that would either cause an increase in the current fiscal year deficit or require offsetting reductions to other accounts within the Department beyond those proposed by the administration.

Sincerely,

JOHN E. ROBSON,
Acting Secretary.

Mr. BYRD. Mr. President, I ask unanimous consent that a letter from Mr. Dick Cheney, Secretary of Defense, dated May 30, 1989, addressed to me be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, May 30, 1989.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that an amendment may be offered in committee to the fiscal year 1989 supplemental appropriations bill (H.R. 2072) to cut funds previously appropriated to the Department of Defense in the fiscal year 1989 Defense Appropriations Act to fight the battle against illegal drugs. The amendment would transfer the funds to domestic anti-drug accounts. The Administration strongly opposes the amendment.

The fiscal year 1989 Defense Appropriations Act provided $300 million for Department of Defense operating costs for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. The Department plans to allocate these funds as follows: (1) $40 million for National Guard support to law enforcement agencies, (2) $60 million for secure communications equipment to defeat drug smugglers' monitoring of law enforcement operations, and (3) $200 million to procure and operate surveillance and monitoring equipment, such as aerostat radars.

The Congress has long urged the Department of Defense to take a more active role in the fight against drugs. In the 2 months since I became Secretary of Defense, we have created a DOD Coordinator for Drug Enforcement Policy and Support and have prepared and begun to execute plans to make effective use of the $300 million. It will be difficult for me to make substantial progress in strengthening DOD's role in the battle against drugs if the amendment is adopted to strip DOD of the resources programmed in fiscal year 1989 for the Department's increase anti-drug effort.

I would note also that the proposed amendment violates the November 1987 bipartisan budget agreement by shifting funds from defense discretionary accounts to domestic discretionary accounts. Since success in Federal budgeting has come to depend upon the ability of the administration and the joint congressional leadership to reach and enforce budget agreements, I would urge that your committee adhere to the agreement and reject the amendment.

The Office of Management and Budget advises that adoption of the amendment would not be in accord with the President's program.

Sincerely,

DICK CHENEY.

Mr. BYRD. Mr. President, I have included these various letters in the RECORD so that they will be there for Senators who may wish to refer to the RECORD and produce those letters to show that these very high officials within the administration have supported the bill as reported by the committee, and have opposed adding additional money to the bill.

These were difficult votes, and some Senators, myself included, from time to time have to answer questions from our constituents. So I think it will be helpful to Senators on both sides of the aisle who received such questions concerning the amendments if they can refer to those letters from the various Secretaries and others in the administration to whom I have alluded.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

AMENDMENT NO. 127

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 127.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 12, between lines 13 and 14 insert the following:

GENERAL PROVISIONS

SEC. . The Congress finds that failing to recognize natural resource depletion causes current systems of economic statistics to provide a distorted representation of many nation's economic condition.

(a) The Secretary of State shall instruct the U.S. representative to the Organization for Economic Cooperation and Development and to the United Nations and it's appropriate affiliated organizations report the income and economic activities of nations. Such a system of accounting shall recognize the depletion or degradation of natural resources as a component of economic activities.

(b) The Secretary of the Treasury shall instruct the U.S. Executive Director to each Multilateral Development Bank and to the International Monetary Fund to seek the adoption of revisions of accounting systems as described in section A.

(c) The Administrator of the Agency for International Development shall incorporate the changes described in section A into AID's evaluations and projections of the economic performance of borrowing countries.

Mr. KASTEN. Mr. President, this amendment has been cleared by the subcommittee chairman and ranking members of the relevant committees, and simply put, this amendment provides for the incorporation of natural resources depletion into an international system of accounting.

The chairman of the subcommittee and I continue to be concerned that many economic development policies being promoted by our foreign assistance program are not sustainable. In fact, the depletion of natural resources may be counterproductive to economic development. Short-term activities that consume or deplete natural resources may preclude their future use and result in a decline in economic activities.

To more accurately reflect actual economic growth rather than the simple consumption of natural resources, language is provided directing the creation accounting systems that include an analysis of resource depletion. Current systems of accounting provide misleading information on a country's economic conditions and progress because they do not treat natural resources as economic assets like buildings, equipment, and other forms of manmade capital. For manmade capital, an annual depreciation allowance is estimated to reflect the value of assets used up during the year. In calculating national income, that depreciation allowance is subtracted as a charge against gross output, reflecting the need to keep the capital stock intact. No such depreciation allowance is estimated for the depletion of natural resources. The result is that the consumption of those assets is misrepresented as a no cost economic gain. This misrepresentation conveys the false impression that a country can achieve economic progress by over exploiting its natural resource base.

Such misleading economic assumptions underlie the macroeconomic analyses and projections carried out by the Multilateral Development Banks, the International Monetary Fund, other international organizations, bilateral development assistance agencies, national governments, and private business. Consequently, those analyses often lead to erroneous conclusions and policy implications, and significant long-term economic and ecological losses. A better framework of economic accounting can contribute significantly to improved environmental and economic decisions and performance.

We recognize that a revision of the U.N. System of National Accounts is now under consideration and intends for all U.S. representatives at the United Nations and U.N. institutions to vigorously promote changes by the U.N. Statistical Commission and Statistical Office to include depreciation of natural resource assets within the definition of national income. We also instructed the Administrator of the Agency for International Development and the U.S. Executive Directors to

each Multilateral Development Bank and to the International Monetary Fund to promote similar changes at these institutions by incorporating natural resource accounts into their evaluation of projections of the economic performance of borrowing countries. The United States should join with other Organization for Economic Cooperation and Development member countries in adopting this revision of their own economic accounting systems.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 127) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 128

(Purpose: To provide that the National Commission on Children may exempt itself from certain provisions of title 5 in carrying out certain duties of the Commission)

Mr. BYRD. Mr. President, on behalf of Mr. ROCKEFELLER, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. ROCKEFELLER, proposes an amendment, numbered 128.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the appropriate place in the bill insert the following:

SEC. . EXEMPTION PROVIDED FOR NATIONAL COMMISSION ON CHILDREN FROM CERTAIN PROVISIONS OF TITLE 5.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9) is amended by striking subsection (f) and inserting in lieu thereof the following new subsection:

"(f)(1) The Commission shall appoint an Executive Director of the Commission. In addition to the Executive Director, the Commission may appoint and fix the compensation of such personnel as it deems advisable. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, that govern appointment in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title that relate to classifications and the General Schedule pay rates.

"(2) The Commission may procure such temporary and intermittent services of consultants under section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission."

Mr. BYRD. Mr. President, anent the amendment that was offered on behalf of Mr. ROCKEFELLER, I ask unanimous consent that a letter addressed to me dated June 1 by my distinguished colleague be printed in the RECORD in explanation of the amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 1, 1989.

Hon. ROBERT C. BYRD
Chairman, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: I ask that my amendment seeking to make a technical change in the statute governing the National Commission on Children be adopted as part of the Dire Emergency Supplemental Bill, 1989, now currently before the Senate.

Pertinent background is attached, including my amendment.

The amendment proposes to exempt the National Commission on Children from certain provisions currently governing the Commission's process for hiring and paying staff. It also would clarify that the Commission is authorized to procure the temporary services of consultants.

Current law requires the National Commission on Children to hire and determine the salaries of staff under the rules and procedures of the "competitive service." This has proven to impose a highly burdensome and time consuming process on the Commission, and is making it virtually impossible for the Commission to obtain staff in the time-frame and manner that its tenure and mission dictate.

It is highly unusual for an independent commission, such as this one, to be required to follow the Civil Service procedures for procuring staff. My amendment is aimed at providing the crucial flexibility to the Children's Commission needed to carry out the intensive, immediate work we are charged with. By law, the Commission is directed to complete its work and submit a major report to the President, Congress, and the public by September 30, 1990. In other words, time is of the essence.

As the Chairman of the National Commission on Children, I ask that this amendment be adopted. Senator Bentsen, Chairman of the Senate Finance Committee, which reported the legislation establishing the Commission, has approved the amendment. We view it as a technical correction addressing the administrative requirements of the Commission.

Thank you very much for your immediate consideration.

Sincerely,

JOHN D. ROCKEFELLER IV.

Mr. BYRD. We have discussed this amendment, and I believe there is an agreement, and we can accept the amendment.

Mr. HATFIELD. The Senator is correct.

Mr. BYRD. It does not cost anything, and I think we ought to do it on a voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question now is on the agreeing to the amendment of the junior Senator from West Virginia.

The amendment (No. 128) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 129

(Purpose: To increase the pool of experienced and qualified applicants for full-time magistrate positions)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 129.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in this bill, add the following:

SEC. . Section 631(b)(1) of title 28, United States Code, is amended by inserting "or has served as a full-time magistrate for at least eight years," immediately after "he is a member in good standing of the bar of the highest court of the state in which he is to serve,".

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I rise to offer a rather minor and technical amendment to the Magistrates Act. I have taken great pains to clear this matter all the way around, and I understand that the amendment has been cleared.

The phrase I propose to insert into this act is only 13 words, but it would increase the pool of experienced and qualified applicants for full-time magistrate positions. Its purpose is to give courts the authority to fill a magistrate vacancy with an experienced former magistrate—one who has served as a full-time magistrate for at least 8 years—who may not be a member of the bar of that particular State. There are five persuasive arguments for this change.

First, under the existing recall provisions—under which a retired magistrate is recalled for service in any State without meeting the initial requirements—this is already being

done, so the amendment would not cause a dramatic departure from current practice.

Second, there is no prohibition on a person being appointed as a bankruptcy judge who is not a member of the bar of that State, even though bankruptcy judges generally deal with far more issues of local State law than do magistrates. There is no reason for magistrates to meet this requirement if bankruptcy judges do not.

Third, I want to underscore what might be obvious anyway—that this change would only make such former magistrates eligible to be reappointed. It would not force such a choice. It would simply allow the district court to decide whether its particular needs would be best met by an experienced former magistrate who may not be a member of that State's bar. If the district court prefers actual magistrate experience to bar membership in that State, I see no reason for the law to block such a choice. After all, the requirement that a candidate be a member in good standing of the bar of some State would still be in effect. And still, he or she would have to be good enough to be selected by the local merit selection panel and a majority of the judges of the district court.

Fourth, a former magistrate who is a member of the bar of a State observing reciprocity with the appointing State is not now barred from being appointed. He or she would simply pay the fee and waive in. My amendment would simply put a former magistrate seeking appointment in a State with no reciprocity on equal footing.

And fifth, although not officially sponsored by the Judicial Conference, the amendment has been cleared without objection by both the chairman of the Magistrates Committee and the chairman of the Budget Committee of the Judicial Conference, and the Assistant Director for Program Management, the Chief of the Magistrates Division, and the Office of Legislative Affairs of the Administrative Office of the United States Courts. Finally, I understand that the American Bar Association has signed off on the proposal, as has the president of the National Council of U.S. Magistrates.

Mr. President, I appreciate the help of the floor managers in clearing this proposal. It has also been cleared by Senators BIDEN, THURMOND, HEFLIN, and GRASSLEY of the Judiciary Committee, and I appreciate their help as well.

Mr. President, this is sort of a technical amendment which simply allows district courts to appoint a magistrate who has served before and allow such a magistrate who has served in a State before to serve as a magistrate in any other court where the judges pick him even though he may not be a member of the bar of that particular State.

It simply gives the courts the right to pick experienced magistrates who under existing law are not eligible.

Bear in mind the judges are the ones who have to do the picking.

This has been cleared by Senator THURMOND, the ranking member on the Judiciary Committee; Senator BIDEN, who is the chairman; and Senator HEFLIN, who is the chairman of the subcommittee of appropriate jurisdiction.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Without further debate, the question is on agreeing on the amendment of the Senator from Arkansas.

The amendment (No. 129) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

AMENDMENT NO. 130

(Purpose: To express the sense of the Senate that the Secretary of Transportation should conduct a review of the impacts of highly leveraged acquisitions of control of U.S. air carriers)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 130.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section.

SEC. . It is the sense of the Senate that the Secretary of Transportation should conduct a review of the potential impact of highly leveraged acquisitions of control of U.S. air carriers. The potential impacts to be addressed in such review should include the effects of increased expenses associated with increased debt on carriers' ability to:

(i) modernize their fleets,

(ii) make necessary expenditures for maintenance,

(iii) survive economic downturns (and the effect on competition among air carriers if some do not survive),

(iv) provide small community service,

(v) compete internationally against foreign airlines,

(vi) make and/or keep the financial commitments to airport projects necessary to expand capacity and improve safety, and meet the future needs of their employees with regard to such matters as salaries, benefits, pensions, and job security and growth.

Pursuant to the conclusions of such review, the Secretary should make a report to the Congress and include in such report an assessment with respect to any major air carrier that is the object of a highly leveraged buy-out.

Mr. LEVIN. Mr. President, this amendment, I understand, has now been cleared on both sides of the aisle.

The amendment expresses the sense of the Senate that the Secretary of Transportation should conduct a review of the potential impact of highly leveraged acquisitions of control of U.S. air carriers. The purpose of this review is to look at the effects of increased expenses associated with increased debt on a carrier's ability to do a number of things including to make and/or keep the financial commitments to airport projects necessary to expand capacity and improve safety, to meet the future needs of their employees with regard to such matters as salaries, benefits, pensions, and job security, and growth.

Once the Secretary completes his review, he should make a report to the Congress and include in such report an assessment of these impacts with respect to any major air carrier that is the object of a highly leveraged acquisitions.

I thank the Chair and yield the floor.

Mr. BYRD. Mr. President, this amendment has been discussed with the distinguished Senator from Oregon, [Mr. HATFIELD], and with me. We have no objections to it and would be willing to accept it.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. KASTEN. Mr. President, this amendment has been cleared by the minority side. We have no objection to it and we urge its adoption.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise in support of the amendment. I, however, would like to ask my friend from Michigan if he feels that this amendment would place restrictions on the Department of Transportation and/or the Department of Justice, as far as their approval of a merger or leveraged buyout would be concerned?

Let me, before my friend from Michigan answers, indicate that I strongly support the purpose of this legislation. I think we have seen in the recent past, without taking the time of this body at this late hour, the clear indication that we are receding to a point of de facto regulations as far as the airlines in America are concerned

and we should do everything we can to prevent furtherance of such occurrence.

I think retrospectively a couple of mergers that were allowed in the past few years probably were not good for the airline consumers, for example, the passengers who used the airlines in this country. I would ask my colleague from Michigan what impact this would have on the short term, while this study is being conducted?

Mr. LEVIN. This does not restrict the authority that those agencies have.

Mr. McCAIN. I thank my colleague and I appreciate his proposing this amendment. I think it is an important move toward making sure that we maintain the spirit of competitiveness for the benefit of the American airline passenger.

Mr. LEVIN. I thank my friend from Arizona. It is, indeed, the purpose of this amendment to make sure that any proposed leveraged buyout does not jeopardize any airline in its financial health.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Michigan yield his time back?

Mr. LEVIN. I do, indeed.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 130) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I thank the majority leader, Senator KASTEN, and particularly the chairman of the Appropriations Committee.

THE AGRICULTURE CHAPTER

Mr. BURDICK. Mr. President, I would like to summarize briefly the major provisions contained in the agriculture chapter of this bill.

First of all, we have provided an additional $40,000,000 for the Agricultural Stabilization and Conservation Service. This was put in by the House and is requested by the President. Without this money, ASCS would likely have to shut down their offices or lay off people at the end of the year. This money is needed to administer provisions of the Disaster Assistance Act passed last year.

We have also included a $2,500,000 increase for the Agricultural Marketing Service for its cotton classing and tobacco grading programs. This money comes from collections from the private sector so there is no impact on the Federal budget.

A provision is included for those producers who suffer from the drought last year and were eligible for drought assistance. Some of those farmers will be asked to refund advanced deficiency payments that were paid out at too high of a rate last year. The provision we recommend stipulates that these refunds cannot be required until after December 31, 1989. Currently, farmers would have to pay these refunds beginning July 31, 1989.

The purpose of the change is pure and simple. It gives the farmers time to harvest this year's crop and generate some cash before they have to refund the money. Since these farmers suffered from the drought, they obviously do not have money at this time. What money they had was used to put in this year crop.

I want to emphasize that this provision does not forgive any refund that is due. Nor does it cost the Government any money. It simply shifts an amount of money that would be paid to the Government from this fiscal year to next fiscal year. The cost in 1989 is $16,000,000 with a corresponding increase in revenue of $16,000,000 in 1990. We have covered the cost in 1989 by reducing certain little-used or unused loan accounts.

Another important provision of the bill relates to farm direct operating loans. The House provided an additional $75,000,000 for these loans. We have not added the additional money, but we do take a step that will alleviate the current problem. For this year, we appropriated $900,000,000 for direct operating loans—the same level as in 1988.

The Farmers Home Administration's national office has held back $100,000,000 of these funds and will only disperse them on a case-by-case basis as applications are sent in from the States. It still has about $90,000,000 in this reserve. The reserve isn't doing farmers any good.

Therefore, our recommendation is to require the Secretary to disperse the reserve funds to the States so that States get at least as much money as they did last year. During the same period last year, FmHA had spent $106,000,000 more than this year. Yet they have the same amount of money available for both years. So the problem, as we see it, is one of administration, not one of funding.

Also, Mr. President, the bill includes an additional $224,624,000 for the Food Stamp Program. This money is needed to prevent an expected shortfall in funding which could result in the loss of benefits to eligible recipients for up to 7 days at the end of the year.

With that, Mr. President, I commend the agriculture chapter of this bill to my colleagues and urge them to support it.

REPROGRAMMING PROCEDURES FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

Mr. NUNN. I would like to clarify a point concerning the transfer of Defense Department funds for international peacekeeping activities proposed in the committee amendment. As the distinguished chairman of the Subcommittee on Commerce, Justice, State, Judiciary, and Related Agencies knows, Department of Defense regulations require the approval of both the Armed Services and Appropriations Committees when the funds involved in a reprogramming are subject to legislation authorizing the annual appropriation of such funds. Is it the committee's intent that the Armed Services Committees would be involved in the approval process for any reprogramming and transfer of Defense Department funds subject to authorization proposed for transfer to the Department of State for international peacekeeping activities?

Mr. HOLLINGS. Yes, that is the committee's intent.

EXECUTIVE SCHEDULE CEILING

Mr. NUNN. Last year's DOD appropriations bill places a ceiling on DOD's use of executive schedule positions, limiting the Department to 39 such positions. The bill would increase the ceiling to permit DOD to have 45 positions.

The report sets forth the understanding of the Appropriations Committee that the new positions would be used for an Assistant Secretary for Intelligence, DOD Comptroller, Assistant Secretary of the Air Force for Financial Management, and the general counsels of the military departments.

It is my understanding that the bill does not increase the number of Assistant Secretaries of Defense beyond the 11 authorized under 10 U.S.C. 136. It does not prejudge the issue of whether the Secretary of Defense should establish the position of Assistant Secretary for Intelligence, a matter left to the Secretary's discretion under section 701 under last year's Authorization Act. It does not increase the number of Assistant Secretaries of the Air Force beyond the four provided in 10 U.S.C. 8016 (as amended by section 702 of last year's Authorization Act). It does not change section 703 of last year's Authorization Act, which provides that the general counsels of the military departments will be paid under the applicable rate for members of the Senior Executive Service.

Mr. INOUYE. The Senator's understanding is correct.

VETERANS' AFFAIRS MEDICAL PROGRAMS

Mr. BOSCHWITZ. Mr. President, I note with great pleasure that the fiscal year 1989 supplemental appropriations includes desperately needed funds for Department of Veterans Affairs medical programs.

I only regret that it has taken so long to secure this additional funding. We learned of the projected budget shortfall in VA health care last fall. At

that time, I wrote to President Reagan, urging him to personally intervene on behalf of a supplemental funding request for veterans' health care. Unfortunately, the VA's funding request was denied by the Office of Management and Budget.

As the budget shortfall began to take its toll, our worst fears were confirmed. The Minneapolis VA Medical Center—a model health care facility—was forced to cut 104 full-time employee positions from its staff. The VAMC at St. Cloud, MN, had to cut 72 staff positions. Inevitably, entire wards were closed, waiting periods went up, and the quality of health care declined. In an attempt to cut costs, the VA began to restrict care to category A veterans, those with low income or service-connected conditions.

Thousands of Minnesotans contacted my office, with stories of vets being forced to wait, and even being turned away, from needed care. For many Minnesota vets, particularly those in rural areas, the VA is the only viable source of health care. Suddenly, needy vets—who were never given a means test when they entered the service—were being denied care because they earned too much.

When the new administration began to take shape, many of us redoubled our efforts on behalf of veterans health care. I joined with my colleagues in writing to President Bush, early in his administration, asking him to give priority to VA medical care.

Later, I met with Congressman SONNY MONTGOMERY, chairman of the House Veterans' Affairs Committee, and helped him to bring OMB Director Richard Darman and Secretary of Veterans Affairs Edward Derwinski to Capitol Hill. At that meeting, Director Darman pledged to me that the Bush administration would include veterans' health care in its supplemental request.

Now that we are finally on the brink of passing that supplemental appropriations, veterans across the country can take heart that VA medical centers soon will be able to restore desperately needed care. I urge the administration—and my colleagues—to work to prevent future budget shortfalls.

As the veterans' population continues to age, the Department of Veterans' Affairs must make realistic requests for its health care budget—and Congress must act to keep VA health care fully funded. America's vets put it all on the line to keep us free. It is our obligation to see that they get the health care they deserve.

THE NEWARK FBI OFFICE

Mr. BRADLEY. Mr. President, last year's intelligence authorization bill established a demonstration project in New York City to encourage recruitment and retention of FBI agents. The demonstration provided a 25-percent pay raise to these agents, in an effort to strengthen the New York City office. I supported this important endeavor because the high cost of living in the New York metropolitan area was forcing many agents to seek other employment.

Mr. President, the New York demonstration contained a serious flaw—it failed to recognize that New York City and Newark, NJ, share the same labor market. Costs are high in both areas. Indeed, over half of the agents in the New York office live in New Jersey. A big pay raise limited to agents in the New York office creates an inequity for FBI agents working in the Newark FBI office—an inequity that is having a devastating impact on the morale of the Newark agents and their families.

And morale is not the only problem, Mr. President.

Over 30 experienced senior Newark agents have thus far requested transfer to New York. About 20 agents assigned to the Newark office have resigned since 1987—almost all of those resignations were related to pay problems. The Newark FBI office's ability to handle major cases, including complex foreign counterintelligence cases, is being compromised by the loss of experienced agents to New York.

It is clearly not the intention of Congress to resolve the problems in the New York FBI office by exacerbating the problems in the Newark FBI office. We need to resolve this problem by expanding the demonstration to include the Newark office.

I am pleased that the bill before us today requires the FBI to provide 10- to 15-percent pay raises for the FBI agents in the Newark office. I believe this will help resolve the problem in Newark.

Mr. President, the FBI has a long and proud tradition in New Jersey. We need to ensure that this tradition continues by providing adequate compensation for these dedicated professionals.

EMERGENCY MEDICAL TECHNICIANS

Mr. BRADLEY. Mr. President, on June 6, 1989, the National Association of Emergency Medical Technicians will hold its annual convention. I ask my colleagues to join me in taking this opportunity to thank these medical technicians and paramedics for their service to our communities.

The National Association of Emergency Medical Technicians represents over 450,000 professionals and volunteers. Every day, throughout our Nation, these brave men and women save lives. We depend on these well-trained, caring individuals to administer emergency care to the sick and injured.

We all hope we never need emergency assistance. But during a crisis, our greatest hope and comfort is an emergency medical technician who can provide life-saving treatment. I wish all participants an interesting and productive meeting, and continued success in the future.

ESSENTIAL AIR SERVICE

Mr. DASCHLE. Mr. President, I am pleased to have this opportunity to voice my strong support for including funding for Essential Air Service [EAS] in the supplemental appropriations bill we are considering today. Immediate action on this matter is crucial to 150 communities across this Nation.

I want to commend the Senate Appropriations Committee for voting to include this important funding in this bill as well as my many colleagues with whom I have joined forces to make sure this necessary program receives the funding it requires. The President pro tempore and chairman of the Appropriations Committee, Senator BYRD, deserves our special thanks for his efforts in this regard.

Small cities and towns nationwide are dependent on access to commercial air service for their economic vitality. When hearings were held on reauthorizing EAS during the 100th Congress, a recurrent theme in the expert testimony was that, without commercial air service, the economic stability of small communities would be in jeopardy, and that, without EAS, there would likely be no commercial air service in those areas.

The lack of commercial air service can no longer be described as simply an inconvenience. Today, the ability to receive commercial air traffic is a standard by which a community's ability to attract and retain businesses is accurately measured. Economic development is directly linked to available air service.

That fact has been cited by city officials from each of the five South Dakota communities that are currently receiving EAS subsidies. In letters, phone calls, and personal meetings with me, a clear message has been conveyed by the leaders of these centers of commerce in my State: the elimination of EAS is a direct threat to the economic well-being of these communities.

As my colleagues all realize, this situation is not unique to South Dakota. Nationwide, small cities and towns are battling for their economic futures. The outcome of those battles, according to the testimony of experts from across the country, is heavily contingent upon the presence or absence of reliable air service. This program truly is essential to the cities and towns it serves.

If EAS is forced to shut down for the last quarter of this fiscal year, there are serious doubts that the program will be reestablished next year. Airlines currently serving EAS communities certainly cannot be expected to allow their planes to sit for 3 months—they will need to be deployed

elsewhere. Reversing that action, once taken, seems highly unlikely.

Furthermore, given the previous administration's recommendations for eliminating EAS in numerous budget proposals, there is no reason to anticipate that, following a shutdown of the program for the last quarter of this fiscal year, the current administration will make any efforts to revive the program next year.

That is why approving this funding today is imperative. The future of many communities in rural America is dependent on this supplemental appropriation. I urge my colleagues to support this measure and to join me in working to have this crucial funding retained in conference.

NEW ALCOHOL LABELING LAW

Mr. HEINZ. I would like to engage my colleague, the chairman of the Subcommittee on Treasury Appropriations, Mr. DECONCINI, in a colloquy on a provision in the House version of H.R. 2072, the dire emergency supplemental appropriations bill. The provision is of vital importance to an enterprise in my State and its workers, Latrobe Brewing Co., which makes Rolling Rock beer.

Section 403 of the House bill, which was drafted with the assistance of the Bureau of Alcohol, Tobacco and Firearms, would enable this company to come into compliance with the new alcohol labeling law which requires a specific warning be printed on the container. About 25 percent of the company's business is in recycled bottles. Unlike other brewers whose recycled bottles use paper appliques, Latrobe has a unique stock of painted bottles which it cannot alter without great cost. Replacing the bottles with new ones by the end of the fiscal year would cost this $40 million company more than $5 million.

The company fully intends to meet the provisions of the law beginning this year by gradually replacing its existing stock of painted bottles over the next 3 years. The longer timeframe will enable the company to execute a workable plan which avoids disruption of its supply networks and accommodates the new costs. In the interim, the company will print the warning on the bottlecap.

I would hope that the Senate would agree to accept this provision in conference. This company has just battled through a tough period when many expected it to go under. And we would certainly not want to lose the 150 jobs at the plant because of a Federal mandate that is unresponsive to a unique situation in the brewing industry.

Mr. DECONCINI. I thank the Senator from Pennsylvania for bringing this matter to my attention. I can assure him we will closely consider this matter in the conference committee.

VETERANS' PROGRAMS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I strongly needed fiscal year 1989 supplemental funding for veterans' programs.

Before commenting on these provisions, I wish to congratulate the distinguished Chair of the Appropriations Subcommittee on VA, HUD and Independent Agencies, Ms. MIKULSKI, for her excellent work on this measure and for the outstanding support of our Nation's veterans which she has consistently demonstrated throughout her service in the House and Senate and which is so clearly reflected in this bill—the first to come out of the Appropriations Committee since she took over the helm of that extremely important subcommittee. I wish to express my deepest gratitude to her and to the subcommittee staff—Kevin Kelly and Carolyn Simmons—for the many courtesies extended to me and Veterans' Affairs Committee staff with respect to a number of veterans issues with which this measure and the committee report deal.

DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PROGRAMS

Mr. President, it is vitally important for the Congress to enact as soon as possible the $340 million appropriation in this bill for the Department of Veterans Affairs [VA] medical care account.

In the current fiscal year, VA is experiencing a very serious and damaging shortfall in funding for the operation of its health-care facilities. This fiscal crisis has been in the making for some time. As we approached the end of the 100th Congress, tremendous VA health-care funding difficulties became painfully obvious. When it appeared that many VA medical centers were headed toward financial disaster in the waning months of fiscal year 1988, I was able—despite the administration's refusal to heed VA's desperate call for help—to propose and obtain enactment of a $31.7 million fiscal year 1988 supplemental appropriation for VA medical care.

Just prior to the start of the current fiscal year, in September 1988, I chaired our committee's hearings on the adequacy of the VA budget. At these hearings, we heard very compelling testimony about the severity of the problems facing the VA health-care system and predictions about how the budget woes would affect the quality and quantity of VA care in fiscal year 1989. At these September hearings, VA medical center directors, doctors, and nurses virtually unanimously described, under oath, the situation then as a crisis and "the worst financial crunch" they had ever seen in VA health care.

According to VA's Chief Medical Director, Dr. John Gronvall, at the September 9 hearing, the fiscal year 1989 deficit was projected to be $635 million. That, I believe, was a conservative estimate. Other credible estimates placed the full fiscal year 1989 shortfall at as much as $1.1 billion, taking into account the need to address the enormous and growing—by then over half-billion-dollar—backlog of equipment purchases and repairs and building maintenance items. Also, in connection with those hearings, then-Administrator Thomas K. Turnage, who had consistently failed to acknowledge the crisis as it worsened, conceded a need for additional fiscal year 1989 medical care funding of $432 million and finally requested the Office of Management and Budget's approval for fiscal year 1989 supplemental funding.

On October 11, 1988, 24 other Senators and I wrote to President Reagan urging the prompt submission of an administration request for supplemental funding before the 100th Congress adjourned. Unfortunately, no such request was forthcoming from the Reagan administration. Therefore, immediately after President Bush assumed office, 40 Senators joined me in a January 1989 letter urging him to submit fiscal year 1989 and fiscal year 1990 budget requests for additional VA medical care funding. Regrettably, our urging brought about no immediate relief.

On Feburary 7, then-Secretary of Veterans' Affairs-designate Edward J. Derwinski wrote to me to report that he had submitted to OMB requests for a fiscal year 1989 medical care supplemental of $314 million and for $512 million in additional medical funds for fiscal year 1990. He stated that he had discussed VA's need for a supplemental appropriation with OMB Director Richard Darman and, because no response had been received, requested a meeting with the President. As the committee worked to prepare for its March 6 budget hearing, we awaited word on the fate of this supplemental request. On March 1, I met personally with Mr. Darman, Mr. Derwinski, and several other of my Senate and House colleagues. At that time we thoroughly discussed VA's dilemma and the ramifications of the lack of funds, and we stressed the need to send forth the supplemental funding request. Finally, on March 24, the administration submitted a $303 million supplemental request for VA's medical care account.

As the House Subcommittee on VA, HUD and Independent Agencies considered the supplemental request, our committee, on April 6, held an oversight hearing on VA health-care funding in follow-up to our September 1988 hearing. At the April hearing, we heard testimony from veterans' service organization field service officers and from VA hospital staff—medical center directors, chiefs of staff, direc-

tors of social work, and a head nurse. Their testimony demonstrated clearly that the VA health-care system is in even more serious jeopardy than it was last September. I was concerned and moved by the examples these witnesses provided of the types of patients being turned away from VA facilities and the conditions under which health-care professionals are being forced to practice. One California social worker told of a terminally ill female veteran who has been treated by VA health-care professionals for over 7 years. She was sent a letter telling her she no longer could receive VA care as of this February. Another example was of a veteran who as a result of cancer had much of his jaw removed and, prior to its reconstruction, was sent a letter stating that he could no longer receive VA care and would have to go elsewhere. Still another was of a VA medical center having to contract out a test because the facility could not afford a $240 replacement part in its own equipment.

In connection with our April 6 hearing, VA's Chief Medical Director confirmed that large number of program reductions and closures which had been separately reported to us from the field after we had conducted a survey of over 40 VA facilities. He advised that 390 individual restrictive actions had already been taken by VA medical centers across the country in response to the budget shortfall. This included cutbacks or closings of drug and alcohol abuse treatment centers, VA nursing home-care units, fee-basis readjustment counseling payments, home-care programs, and acute-care beds. In facts, according to VA submissions following the hearing, 108 medical centers have reduced workload in some manner and 43 medical centers have closed a total of 1,905 beds; additionally, there is an estimated fiscal year 1989 reduction of 545,914 outpatient visits distributed among 77 medical centers and an estimated reduced community nursing home care census of 893.5 distributed among 41 medical centers.

At the April 6 hearing, we also heard from four deans of VA-affiliated medical schools. Not only did they talk of the inability to recruit physicians to work in the VA system, but they spoke also of the growing problems with maintaining the quality of patient care that are resulting from the lack of up-to-date or useable equipment. Mr. President, I ask unanimous consent that information sent to me from Dr. Kenneth I. Shine, dean of the UCLA Medical School, in response to my questions at that hearing, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, according to those data, at the VA West Los Angeles Medical Center alone, there is a need for $10.1 million of replacement equipment and $2.2 million of additional equipment for clinical services. The Sepulveda VA Medical Center lists $5.4 million of replacement equipment needed and some of it—items as simple but as essential as electric beds—have needed replacement as long ago as 1975.

With respect to prostheses, as of September 1988, the projected funding shortfall for this purpose was $10.6 million nationwide for FY 1989. It is probably higher now. To a veteran waiting for a new or replacement limb, or experiencing pain and immobility while waiting for a total joint replacement, this is a devastating shortage. I believe that it is a moral outrage to suggest to veterans, particularly to those who were injured or maimed as a result of their service, that they go without this kind of assistance.

On April 20, 1989, I wrote to my good friend, Senator MIKULSKI, chair of the Subcommittee on VA, HUD and Independent Agencies, urging that the subcommittee support the House figure of $340 million, suggesting report language, which the committee has adopted, and recommending $60.6 million be added for equipment and prostheses. Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD at this point.

The being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 20, 1989.

Hon. BARBARA MIKULSKI,
Chair, Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BARBARA: I am writing to urge that, when your Subcommittee considers the FY 1989 VA supplemental appropriations measure that is currently pending before the House, you add $60.6 million to the $370 million proposed by VA's medical care account by the House Committee on Appropriations. Of the additional amount, I recommend that $50 million be earmarked to reduce the enormous backlog of urgent medical equipment and $10.6 million to reduce the backlog in prosthetic purchases.

I strongly support the House Committee's recommendations, including the $24.9-million addition for the General Operating Expenses account, which is fully in line with the recommendations of our Committee in our March 13 budget recommendations (which I previously provided to you).

You will recall that I sent you a January 30 letter and a February 8 memorandum providing information about our Committee's September 1988 hearings on the adequacy of VA funding. In follow-up to these September hearings and our March 6 budget hearing, our Committee held an oversight hearing on VA health care on April 6. At this hearing, we heard testimony from veterans' service organization field service officers and from VA hospital staff—medical center directors, chiefs of staff, directors of social work, and a head nurse. Their testimony demonstrated clearly that the VA health-care system is in even more serious jeopardy than it was last September. Veterans in need of care are being turned away; many who are entitled to care are experiencing undue delays; much medical equipment is outdated, broken, or nonexistent; and many programs have been cut or closed entirely. It is clear that the quality of care in the VA health-care system is at risk.

In connection with this recent hearing, Dr. Gronvall, the Chief Medical Director, has advised that 390 individual restrictive actions have been taken by VA medical centers across the country in response to the budget shortfall. This includes cutbacks or closings of home-care programs, drug and alcohol abuse treatment centers, nursing home care units, fee-basis readjustment counseling payments, and acute-care beds. Although not all of these actions are complete program shutdowns, 26 percent of all VA facilities have reduced the number of their operating beds and another 26 percent have reduced their patient workloads.

According to Dr. Gronvall, the FY 1989 supplemental appropriation of $340 million initially recommended for the medical care account by the House Appropriations Subcommittee on VA, HUD, and Independent Agencies would be adequate to enable VA to start building back up to 194,720 FTEE—the level mandated by Congress for FY 1989—and $797 million above the Reagan Administration request for this account for FY 1990 would allow VA to remain at this FTEE level throughout FY 1990. It is important to note that, although this supplemental FY 1989 funding will permit VA to begin to restore FTEE, it will not permit VA to restore in any appreciable way the workload which has previously been reduced. What it will do is to forestall further workload and FTEE reductions, which are slated to be implemented if supplemental funding is not available by the end of May.

Although I applaud the House Committee's actions, I strongly believe that further additional funding is desperately needed in order to enable VA to deal with the tremendous backlog of equipment purchases it currently faces—$645 million—and the lack of available prostheses at its facilities throughout the country. It is vitally important that we not put off until FY 1990 the effort to cut into these very destructive backlogs which are jeopardizing the quality of care across the system.

The dangerous equipment backlog has developed over the past several years as VA facilities have postponed replacement-equipment purchases in order to use funds originally intended for that purpose to meet, instead, pressing needs for personnel funds. As a result, we have learned that unsafe, unuseable, and outdated equipment is having an adverse impact on the quality of veterans' health care in some facilities and on VA's ability to recruit and retain qualified physicians and other health-care professional staff. The $50 million I am proposing would be used—if made available before mid-July—to help meet VA's most pressing needs for equipment used in the diagnosis and treatment of veterans. Some examples of acquisitions this would make possible are set forth in the enclosure.

With respect to prostheses, as of September 1988, the projected funding shortfall for this purpose was $10.6 million for FY 1989. It is probably higher now. To a veteran waiting for a new or replacement limb, or experiencing pain and immobility while

waiting for a total joint replacement, this is a devastating shortage. I believe that it is a moral outrage to suggest to veterans, particularly to those who were injured or maimed as a result of their service, that they go without this kind of assistance.

I note with pleasure that the House Appropriations Committee, as part of overall McKinney Act funding for FY 1989, included the $30 million authorized for VA programs for homeless veterans. I strongly urge that, if the Senate Committee also follows the course of funding McKinney Act authorizations—as our Committee recommended in our March 13 budget recommendations—the VA's two programs be appropriately funded and that the bill include language making those VA funds available through FY 1990. Without such a carryover, I believe it is a certainty that in the months remaining in FY 1989 the funds would not be used as effectively or fully as possible to assist homeless veterans.

Finally, I urge that you make clear in the Committee report accompanying the supplemental appropriations bill that:

"(1) The add-on is intended to enable VA to build back toward the 194,720 FTEE-level by the close of the fiscal year, and the FTEE ceiling necessary for that purpose is intended to be provided by the Office of Management and Budget. However, VA is not being directed to achieve any particular FTEE level in the medical care account in FY 1989.

"(2) The Committee recognizes that, as to recurring costs, funding must be provided in FY 1990 to continue the level being provided for in FY 1989 through the supplemental, especially for the maintenance of the 194,720 FTEE for FY 1990.

"(3) The add-on is also intended to enable VA rapidly to being to reduce the outpatient delays being experienced by Category A veterans and to restore the beds, facilities, payments, and programs that have been closed down or curtailed this fiscal year as a result of the shortfall, and VA is directed to begin this restoration process immediately upon receiving this appropriation."

(In order to provide the FTEE and program flexibility necessary at this point in the fiscal year that I am recommending in the second sentence of item (1) above, it is essential that personnel dollars not be fenced.)

Barbara, I greatly appreciate your consideration of these important matters, and I look forward to your expeditious action on VA supplemental appropriations.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

Mr. CRANSTON. Mr. President, I am delighted that the committee has adopted the suggestion that Senator DECONCINI and I made to shift funds to provide $1,160,000 to begin to make a dent in the shameful prosthesis backlog.

Mr. President, I have not been so gravely concerned about the status of the VA health-care system since 1969 and 1970 when I became involved with VA matters as a Senator. Although I believe strongly that we must do all that we can to reduce the Federal deficit and maintain spending at realistic levels, we must not attempt to move toward a balanced budget at the expense of our Nation's veterans. We owe our veterans more than that—far more than that.

The funding for VA programs provided in this bill clearly falls within the exception for dire emergencies that was provided for in the November 1987 Bipartisan Budget Summit agreement.

I recently received a copy of a May 16 letter from Secretary Derwinski to the chairman of the House Committee on Appropriations [Mr. WHITTEN] stating that the VA's medical care program is

Now in a state of emergency. * * * The VA has virtually exhausted its flexibility to borrow from nonpayroll accounts to support the employment level necessary to properly treat veterans. Inventories of supplies are low, and the purchase of necessary medical equipment will have to be postponed until next fiscal year.

Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF VETERANS' AFFAIRS,
Washington DC, May 16, 1989.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The House will shortly be considering a supplemental appropriation request which contains much needed funding for veterans' health care programs. I must respectfully bring to your attention that the Medical Care program is now in a state of emergency. Each day that supplemental funding is not forthcoming, the level of service provided by the VA's medical system is diminished. The VA has virtually exhausted its flexibility to borrow from nonpayroll accounts to support the employment level necessary to properly treat veterans. Inventories of supplies are low, and the purchase of necessary medical equipment will have to be postponed until next fiscal year.

I would appreciate whatever steps you can take to ensure that the medical care supplemental request is enacted by the Congress without further delay, realizing that you have other obligations that warrant full consideration.

Currently, the medical employment level is at 190,728 FTEE, 4,000 below the level directed by Congress. The employment reduction has reduced the number of outpatients treated this year by approximately 600,000 visits. Without action on the supplemental, medical employment will start dropping by 200 FTEE or more for each 2-week pay period. As of May 19, 1989, VA capital accounts will be frozen even though the replacement equipment backlog is in excess of $600 million. Activation funding for 96 projects will be stopped, as will funding for high technology sharing agreements with DoD and private hospitals.

The President is clearly committed to supplemental funding for veterans' health care programs. I seek your assistance in guiding this supplemental through Congress and ensuring it is not encumbered with amendments or provisions that could delay Presidential approval.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

Mr. CRANSTON. Mr. President, I was greatly concerned to see, on May 26—the beginning of the Memorial Day weekend—that Secretary Derwinski had found it necessary to take actions to place a nationwide freeze on accepting new category B and C veterans. He also froze capital expenditures—medical equipment and building repairs, for example—and the hiring of personnel and further delayed the activation of newly completed medical-facility construction projects so that the funds involved might be used to offset prior funding actions that were taken to support fiscal year 1989 employment levels. Those levels are already near 4,000 full-time employment equivalents [FTEE] less than the fiscal year 1988 congressionally mandated 194,720 FTEE. Freezing capital accounts will have the effect of further increasing the replacement equipment backlog, earlier projected by VA to be a staggering $530 million by the end of this fiscal year. Also, according to VA, if supplemental funding is not received by July 1, 1989, temporary employees may have to be terminated in order to avoid reductions in force or furloughs, personnel levels will continue to drop, new activations will be halted, drug and supply purchases will be further diminished, and workload and clinical programs may be reduced beneath the already too-low current levels.

Although I would have preferred a VA medical care supplemental appropriation in a substantially greater amount and far earlier in the current fiscal year, I want to stress that it is vitally important that we move ahead with the $340 million proposed in this measure. Without this additional funding, VA will be forced to take those additional drastic actions resulting in a further negative impact upon the quality and quantity of care furnished to our Nation's veterans and the livelihoods of those furnishing that care.

PROPOSED USE OF THE MEDICAL CARE FUNDS

According to an April 5, 1989, letter I received from Secretary Derwinski, a supplemental appropriation in the amount of $303 million as requested by the administration would permit payback of those funds which were borrowed from other VA accounts as well as allow VA to accomplish other necessary objectives. Approximately 38 percent of the amount, $132 million, would be used to restore capital accounts, including activations, and $32 million would be used to augment activations. Of that $132 million, $86 million would go toward equipment and nonrecurring maintenance expenditures. Additionally, $64.7 million would be used to increase FTEE to reach an end-of-year cumulative level of 191,616 to support outpatient workload, $28.5 million would be used for

"all other" costs such as drugs and operating supplies to support outpatient workload, $23.7 million would be restored to the community nursing home program, permitting VA to support an increase in the average daily census; and $52.5 million would be distributed to VA regions to be utilized specifically to support currently unfunded needs—especially, I would expect, in outpatient care.

Mr. President, I am pleased to note that the Appropriations Committees increased the administration's request by $37,125,000 in order to eliminate the severe cutback in beneficiary travel proposed by the administration and to enable VA to rebuild its healthcare employment level by the end of this fiscal year to the 194,720 FTEE level mandated by the Congress for fiscal year 1988.

Thus, Mr. President, as I stressed in my April 20 letter to Senator MIKULSKI, this supplemental appropriation would provide the funding necessary to prevent the current bad situation from deteriorating further and put VA on a course toward restoration of the system to the personnel and operational levels of last year. That would set the stage for an fiscal year 1990 appropriation in an amount that will maintain the system at those levels and will begin reducing the backlogs in equipment, repairs, and prostheses that will continue to menace the quality of VA care unless and until they are addressed.

Specifically, the $340 million being provided is intended to restore the personnel level to 194,720 FTEE by the end of the fiscal year, to ensure that VA is able rapidly to begin to reduce the outpatient delays being experienced by category A veterans and to restore the beds, facilities, payments—including readjustment counseling fee payments—and programs that have been closed down or curtailed this fiscal year as a result of the shortfall, and VA is expected to begin this restoration process immediately upon receiving this appropriation.

FAILURE TO REMOVE PERSONNEL COST FENCE

In this regard, Mr. President, I must express my disappointment that the House measure contains a provision which would place a fence around $6.8 billion of the total available to VA under the medical care account in fiscal year 1989 so that these funds can be used only for personnel costs. The purpose of this earmarking is very laudable: To "ensure that adequate funds are made available to support an average employment of 194,720 FTEE by the end of the fiscal year," according to the House Committee report.

I agree wholeheartedly with that objective. However, I believe that this specific provision is inadvisable this year at this point. I strongly believe that not a single dollar of fiscal year 1989 VA medical care funds can be permitted to be lost that could conceivably be used for such important purposes as medical equipment and prostheses. Thus, I am very pleased that the Senate Appropriations Committee agreed to my recommendation to delete the fencing provision. The Secretary has provided assurances to me and the Appropriations Committee that every effort will be made to achieve that staffing level through a balanced personnel buildup by September 30, 1989. However, I also recognize, as does also the Chair of the VA, HUD and Independent Agencies Subcommittee, Senator MIKULSKI, that it may not be feasible during the few months remaining in the current fiscal year to build VA medical staffing to that strength in a balanced, appropriate way. Should VA, despite all best efforts, thus not be able to utilize the full $6.8 billion for personnel purposes, I strongly believe that any remaining funds in the medical care account projected to be available during the closing days of the fiscal year should be available to be obligated by VA for acquisition of urgently needed medical equipment and prostheses.

In this regard, I congratulate the Appropriations Committee and Senator MIKULSKI for the language in the committee report directing VA to develop a plan by September 1 for obligating for these pressing equipment and prosthetics needs, beginning September 15, any medical care funds then projected to be unused so that any personnel or other funds that would otherwise lapse at the end of the fiscal year will be obligated for those high-priority items. Secretary Derwinski has given his assurances that VA will do this.

ENTITLEMENT ACCOUNTS

Mr. President, I am very pleased that the supplemental contains $701,481,000 for VA's compensation and pension account, from which compensation for veterans with service-connected disabilities, dependency and indemnity compensation [DIC] for the survivors of veterans who die of service-connected causes, needs-based veterans' pensions, and veteran's burial benefits are paid.

This additional funding is needed to cover the costs ($358.1 million) of the 4.1-percent fiscal year 1989 cost-of-living-adjustment, effective on December 1, 1988, which was enacted in division B of Public Law 100-687, the Veterans' Benefits Improvement Act of 1988, on November 18, 1988, for compensation and DIC benefits. In addition, $343,381,000 million is needed for increased compensation caseload projections and average payments; the costs of the benefits we provided under Public Law 100-321, the Radiation-exposed Veterans Compensation Act of 1988, for veterans who were exposed to radiation from nuclear detonations and subsequently developed certain cancers; the costs of the increases in other service-connected benefits that we enacted in Public Law 100-322, the Veterans' Benefits and Services Act of 1988; and the rescheduling of some payments from 1988 to 1989.

Specifically, the supplemental contains $22,212,000 to provide additional funds required to implement the provisions of Public Law 100-322 to increase the maximum grants to certain service-disabled veterans for specially-adapted housing and automobiles and to implement the transfer, under Public Law 100-323, the Veterans' Employment, Training, and Counseling Amendments of 1988, of payments for State Approving Agencies to the readjustment benefits appropriation from the general operating expense appropriation—an unbudgeted readjustment benefit that will cost $12 million in 1989.

I am particularly delighted to see these funds being made available before a shortage in the accounts involved threatens any delay, as occurred last year, in the payments to veterans who are entitled to them.

GENERAL OPERATING EXPENSES

Mr. President, I am equally delighted that the supplemental, as I had urged in my April 20 letter to Senator MIKULSKI, provides an additional $24,900,000 for the general operating expenses account—including $15 million to permit the Veterans Benefits Administration [VBA] to maintain its current staffing level of approximately 12,700—and removes the mandate in Public Law 100-404 for VBA to maintain a floor level of 12,898 FTEE in fiscal year 1989. VA would not have been able to maintain the 12,898 FTEE level without undesirable cuts to nonpayroll accounts and other actions which would not have been in the interest of VA or cost effective.

The other $9.9 million is intended for VA's Loan Production System [LPS]—a cost-effective automated data processing system which will substantially improve the administration of VA's home-loan guaranty program. I authored legislation, enacted in Public Law 100-687, authorizing this funding to be made available, if approved in an appropriations act, for LPS. This direct appropriation obviously serves exactly the same beneficial purpose.

UNITED STATES COURT OF VETERANS APPEALS

Mr. President, this measure contains an historically and programatically very significant provision to make the initial appropriation—of $3.1 million—for the United States Court of Veterans Appeals. This new court was established under division A of Public Law 100-687, the Veterans' Judicial Review Act, as the culmination of over 10 years of work to provide veterans with

the right of judicial review of VA decisions denying their claims for benefits.

On March 17 and 20, I wrote to Senator MIKULSKI requesting that $3.1 million be included for the court in an fiscal year 1989 supplemental appropriation measure and that such funds be available through fiscal year 1990. Included a detailed budget plan for the court which had been prepared by the General Services Administration at my request and the request of House Veterans' Affairs Committee Chairman MONTGOMERY. I am very pleased that this bill complies fully with my requests.

The court is to begin operations on September 1, 1989, and in early May then-Chief Judge-designate Frank Q. Nebeker, whose nomination the Senate confirmed on May 17, brought to my attention the difficulties he foresaw in getting the court operational in a timely manner if it was required, as current law provides, to adhere to normal civil service laws in the initial staffing of the court. Thus, on May 9, I wrote Senator MIKULSKI again to urge inclusion in the supplemental appropriation for the court of a provision, a draft of which I enclosed with my letter, to provide the court with temporary authority to bypass the time-consuming civil-service register process in the hiring of a limited number of its initial corps of employees. I am very grateful to the Senator from Maryland for her wonderful cooperation in seeing to it that this provision was included.

Mr. President, I ask unanimous consent that copies of my three letters regarding the new court be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 17, 1989.

Hon. BARBARA MIKULSKI,
Chair, Subcommittee on HUD-Independent Agencies, U.S. Senate, Washington, DC.

DEAR BARBARA: I would like to take this opportunity to highlight the need for funding for the creation and the operation of the U.S. Court of Veterans Appeals. The three-to-seven judge Court, which was established under Public Law 100-687 and is to begin hearing cases on September 1, 1989, is the culmination of over 10 years of work in the Senate to ensure that veterans are accorded the fundamental right of judicial review of veterans' benefit claims. Although the Reagan budget request included some funds for the Court for FYs 1989 and 1990 ($1.2 and $1.5 million, respectively), these amounts will not be sufficient to start up and operate the Court.

At this Committee's request, the General Services Administration prepared a preliminary personnel plan, space assessment, and operating budget for a three-, five-, and seven-judge Court. The Committee recently received a new version of these estimates, updated to include funding for public access to the Court files, which is enclosed for your review. According to these estimates, a seven-judge Court will require a total of $3.1 million for FY 1989 (a $1.9 million increase over the Administration's budget), which would include $1.6 million for initial non-recurring items. Assuming the FY 1989 funding is obtained, Court operations in FY 1990 are estimated to cost a total of $6.3 million, or $4.8 million over the request.

To ensure that the long-sought right Congress recently accorded veterans and other claimants to have their benefit claims reviewed by a judicial entity is a real not a hollow one, it is imperative that the Court of Veterans Appeals have sufficient start-up funding, including funds for salaries, short-term space, equipment, and commitments for long-term space and renovations. Without very prompt enactment of an FY 1989 supplemental appropriation, or of a temporary funding transfer such as we discussed in our very productive February meeting (which could be made from a non-appropriated account, or a combination of them, such as the Post Fund, the Canteen Fund, or the Direct Loan Revolving Fund), there are absolutely no funds available to pay any salaries or obtain any space or supplies and equipment. The VA's General Counsel has advised that the Department has no authority to transfer reprogrammed funds for such purposes since the Court is a totally independent entity, not in any way part of or tied to the Department of Veterans Affairs.

I appreciate your attention to this matter.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 4, 1989.

Hon. BARBARA MIKULSKI,
Chair, Subcommittee on VA, HUD and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BARBARA: Thank you for your March 23 response to my earlier letter highlighting the need for adequate funding for the creation and operation of the U.S. Court of Veterans Appeals. As you well know, the Bush March 24 FY 1989 supplemental request includes funding—albeit not in an adequate amount—for the Court's start-up and operational costs.

There is one point I failed to mention in my earlier letter that needs to be stressed: the vital importance of ensuring that the FY 1989 funding be made available through September 30, 1990. Such a two-fiscal-year provision would accommodate the uncertainty of the Court's operational schedule, particularly as to non-recurring start-up costs, in its early months of operation.

Thank you for your continued attention to this matter.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 9, 1989.

HON. BARBARA MIKULSKI,
Chair, Subcommittee on VA, HUD and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BARBARA: I am writing to request your help again with respect to the operation of the new U.S. Court of Veterans Appeals, which was established under Public Law 100-687 as the culmination of over 10 years of work to provide veterans with the right to judicial review of VA decisions denying their claims for benefits. Before the Court begins hearing cases on September 1, 1989, it must be able to hire staff, arrange for court rooms and offices, acquire furnishings and equipment, establish procedures and practice rules, and complete a multitude of other housekeeping and administrative arrangements.

Section 4081 of title 38, United States Code, as enacted in Public Law 100-687, provides that the Court may appoint such employees as may be necessary to execute the functions vested in the Court and that such appointments must be made in accordance with the provisions of title 5 governing appointment in the competitive service, except that the classification of position may be based on judicial branch classifications.

The Court's Chief Judge-designate, Honorable Frank O. Nebeker, has pointed out that he foresees very serious practical difficulties arising from the mandate to comply with competititive-service requirements in the appointment of certain personnel. Thus, he noted that using the civil-service-register would delay by months the hiring of personnel that will be needed from virtually the very first day that the Court receives funding, particularly a clerk, deputy clerk, administrative officer, and certifying officer.

I believe this concern is well founded and am thus requesting that your Subcommittee include in the FY 1989 supplemental appropriations measure, in which the initial funding for the Court is being provided, the enclosed language providing the authority, without regard to the title 5 competitive-service requirements, for making initial appointments of a clerk, deputy clerk, administrative officer, and certifying (fiscal) officer and of up to 30 other administrative positions, and for filling any vacancies that may occur in these positions, during calendar year 1989.

I appreciate your consideration of this issue and your continued efforts to ensure that the long-sought right Congress recently accorded to veterans and other claimants to have their benefit claims reviewed by an independent judicial entity is effectuated in a timely and effective manner.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

PROPOSED STATUTORY LANGUAGE FOR COURT OF VETERANS APPEALS' EMERGENCY INTERIM AUTHORITY TO EMPLOY PERSONNEL

Provided, That, notwithstanding section 4081 of title 38, United States Code, during calendar year 1989 (1) the Chief Judge of the United States Court of Veterans Appeals (subject to ratification not later than 90 days after the date of the enactment of this Act by the Court when there are at least two Associate Judges on the Court) may appoint as employees of the Court without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, a clerk, deputy clerk administrative officer, and certifying officer of the Court (including persons to fill vacancies in such positions); (2) the Court may appoint not to exceed 30 other employees (including persons to replace any such employees) without regard to such provisions; and (3) the principles of preference for the hiring of veterans and other persons established in such subchapter shall be applied in the making of any such appointments under clauses (1) and (2).

Mr. CRANSTON. Mr. President, as I have previously indicated, the need for fiscal year 1989 supplemental medical funding has been apparent since last September and I, joined by many other Senators, urged President Reagan in October 1988 and President Bush in January 1989 to submit a supplemental request.

Unfortunately, no such request was forthcoming until March 24. In light of that delay, it is regrettable that the House was unable to pass a measure providing supplemental funding until 7 weeks later during the afternoon of May 18, the last day that the Senate was in session before its long-scheduled May recess, and then rejected last week the Senate's offer to provide stopgap funding until June 14 for VA programs.

Nevertheless, I fervently hope that the other body will come together very rapidly with our Senate conferees on this measure and reach an expenditious agreement which will ensure enactment of the funding in this measure that is so vitally needed for veterans' programs as well as the other, urgent, top-priority national needs.

EXHIBIT 1

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
Los Angeles, CA, March 28, 1989.

Senator ALAN CRANSTON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CRANSTON: At the recent meetings of the Senate Veterans Committee, you asked for a description of the important equipment needs at the VA facilities associated with the UCLA School of Medicine. In my testimony, I indicated that there were serious problems with equipment which have been exacerbated by the use of capital monies in order to make up for the operating shortfalls. A list of these equipment needs is enclosed.

I understand that there may well be a supplemental appropriation for the VA facilities this year. I would emphasize that serious shortfalls still occur in other less dramatic areas of equipment, for example, joint prothesis, heart valves, and other items which are required on a patient-by-patient basis. Often, the supplemental appropriations allow for catch-up in such areas and the funding of capital equipment also does not cover these needs.

Once again, thank you for your vigorous efforts on behalf of veterans throughout the United States and particularly on behalf of the veterans hospitals in Los Angeles.

Warmest best wishes,

Yours truly,

KENNETH I. SHINE, M.D.,
Dean.

EQUIPMENT NEEDS FOR VAMC WEST LOS ANGELES

The attached report lists the current equipment needs for VAMC West Los Angeles in two categories: (1) Replacement equipment and (2) additional equipment. Inasmuch as Wadsworth Hospital opened in March 1977, most of the equipment was purchased in 1976 and has now become obsolete. The requests for additional equipment are those items needed to keep up with the "state of the art" in clinical practice. All equipment items costing under $100,000 have been aggregated into a miscellaneous (MSC) category. Those items exceeding $100,000 are specifically identified.

H. EARL GORDON, M.D.,
Chief of Staff, Wadsworth Division,
VAMC West Los Angeles.

VA WEST LOS ANGELES MEDICAL CENTER ADMINISTRATIVE SERVICES

Service	Item	Replacement	Additional
Building management	Miscellaneous	33,153.00	27,072.40
Dietetics	do	36,464.00	
Engineering	do	94,256.00	7,497.00
Fiscal	do		153.00
IRM	do		80.00
Medical administration	do	689.95	
Personnel	do		80.00
Pharmacy	do	27,013.00	28,890.00
Supply	do	121,171.00	730.00
	Sterilizer, steam	244,704.00	
Total		557,450.95	64,502.40

VA WEST LOS ANGELES MEDICAL CENTER CLINICAL SERVICES

Service	Item	Replacement	Additional
Ambulatory care	Miscellaneous	515.00	
Anesthesiology	do		36,310.00
Audiol and Speech	do		4,718.00
Cent. Dental Lab	do	6,858.00	6,375.00
Dental	do	12,880.00	
Dermatology	do		160.00
Dialysis	do	28,770.31	9,000.00
Laboratory	do	124,094.97	11,294.00
	Cell sorter		95,000.00
Medical	Miscelloaneus	43,122.00	101,292.00
	Doppler, color echocardio.	187,000.00	
Medical Media	Miscellaneous	27,985.00	52,840.00
Nuclear medicine	do	1,195.00	84,800.00
	Scint. camera body	157,000.00	
	Scint. camera detector	140,000.00	
	Scint. camera, tomograph.	345,000.00	
	Scint. camera, basic	180,000.00	
	Position camera upgrade.		1,400,000.00
Nursing	Miscellaneous		9,278.00
Prosthetics	do	365.00	
Psychiatry	do	269.00	314.00
Pshchology	do	6,048.78	1,376.00
Radiation Ther	do	2,658.00	15,181.00
	Linear Acclerator	1,200,000.00	
	Cobalt 60 machine	500,000.00	
	Digital contour and filter.		110,000.00
	BSD 500 hyperthermia.		154,000.00
Radiology	Misdellaneous	135,970.00	
	Computerized axial unit.	900,000.00	
	Phillips angio	1,348,576.00	
	Cardiac cath lab	1,590,000.00	
	Phillips mobile C—Arm (Pulmonary).	130,000.00	
	Phillips mobile C-Arm (cardiology).	130,000.00	
	Phillips mobile C-Arm (surgery).	130,000.00	
	Phillips head unit	180,000.00	
	G.E. 800ma R&F unit	260,000.00	
	Profex 1000ma unit	100,000.00	
	G.E. R&F	260,000.00	
	Picker 800ma R&F	260,000.00	
	G.E. 800ma R&F	260,000.00	
	Profex 1000ma	195,000.00	
	Picker 800ma R&F	260,000.00	
	do	260,000.000	
	G.E. remote (Brentwood).	330,000.00	
	CGR 1000ma R&F	266,000.00	
Rehab. medicine	Miscellaneous	57,907.00	897.00
Social work	do	5,463.00	368.95
Surgery	do	107,101.00	113,603.25
St. Barb—OPC	do	6,000.00	6,807.00
Total		10,135,778.06	2,213,614.20

EQUIPMENT LIST, VAMC SEPULVEDA

The attached lists reference equipment needs that have not been purchased due to a shortage of equipment funds. Over the past two years equipment funds have been deferred to cover other critical needs at this medical center.

The High Tech/High Cost list reflects those items which are typically funded by the region and for which we have the greatest need. Many of these items are basic for routine health care and are essential for day to day operation. the electric beds and mobile shelving are critical needs on the high cost list. The final schedule contains numerous items which we have not been able to purchase due to the lack of funds. The inability to provide these items has impaired the efficiency of our staff.

HIGH TECH/HIGH COST

Item	Repl. date	Service	Cost
Cardiac cath		Cardiology	$1,200,000
Monitoring equipment MICU/CCU	1983	Medical	282,000
Alora cola flu echocardiographic sys	1986	Cardiology	230,000
X-ray machine rapido	1986	Radiology	390,000
GE 600 X-ray	1986	do	350,000
X-ray radiographic/fluro	1987	do	375,000
do	1986	do	375,000
do	1987	do	395,000
X-ray tomographic	1987	do	178,000
Radio/tomographic	1986	do	178,000
Scintillation camera for whole body image.	1986	Nuclear medicine	185,000

Note: Replacement date does not always reflect medical obsolescence.

HIGH COST

Item	Repl. date	Service	Cost
Electric beds (100 ea.)	1975, 1978–80	Nursing	$150,000
Mobile elec. shelving	1987	Supply 110,000	110,000
Clinical densitometer	1986	Laboratory	65,000
Volume ventilators		Medical	62,000
Computerized exercise sys.	1982	Cardiology	30,000
BTE work simulator		Rehab.	35,000
Unit dose delivery system		Pharmacy	220,000
Mgmt. sys. controlled sub		do	25,000
Portable X-ray machine	1986	Radiology	50,000
Forklift		Engineering	45,000
Fracture table (orthop.)		Surgical	38,910

Note: Replacement date does not always reflect medical obsolescence.

MISCELLANEOUS MEDICAL ITEMS

Item	Service	Cost
Vital sign monitor	Medical	$5,600.00
Endoscopes	Resp. care	20,000.00
Procto procedure table	Gastro	12,000.00
Wheelchair scale	Medicine	2,000.00
Pulse orimeter	do	10,000.00
Stretchers	Nursing	12,000.00
Wheelchair scales	do	8,000.00
Groen generator	Dietary	6,865.00
Lektriever	Fiscal	20,000.00
Vertical compactor	Bldg. mgmt	14,000.00
Misc. bldg. mgmt. needs	do	12,000.00
Misc. engineering needs	Engineering	15,000.00
Infusion pumps	SPD	21,000.00
Misc. dietary items	Dietary	12,000.00
Misc. med. admin. equip	MAS	17,000.00
Fume hood (Histo)	Laboratory	1,712.10
CPR manikens (Safety/educ.)	do	1,677.25
Small blood bank ref (STAT lab)	do	1,500.00
Microscope (STAT/urinalysis)	do	1,441.05
Econospin centrifuge	do	1,789.16
Urinalysis workstation (Chem)	do	3,390.00
Microscope (Histo)	do	1,441.05
Histo prep embedding system (Histo)	do	4,628.20
Steam glassware washer (Tox)	do	15,806.00
S/P tekbath (Tox)	do	411.40
Microscopes; 3 (Micro)	do	7,500.00
Refrigerator (Blood bank)	do	6,108.00
Heating blocks (Hema)	do	868.00
Gravity oven (Tox)	do	526.00
Under-counter refrig and freezer (Tox)	do	1,530.00
Centrifuge (Chem)	do	2,550.19
Refrigerator (Hema)	do	2,325.00
Bookwalter retractor kit and access	Surgical	7,973.00
Hall cebostome power burr	do	4,825.00
ACL drill guide system	do	4,105.00
Fiberoptic intubation bronchoscopes	do	9,400.00
Luhr mandibular compression set	do	7,759.00
Dionics pacesetter system	do	8,750.00
Critikon dinamaps (Anesth.)	do	13,500.00
Luhr mini compression set	do	6,956.00
Aesculap mini driver/hand drill sys	do	9,241.00
Olympus panazor camera	do	950.00
Nseomed electrosurgical unit	do	6,325.00

MISCELLANEOUS MEDICAL ITEMS—Continued

Item	Service	Cost
ACMI cystoscopes (Urol.)	do	14,600.00
ACMI pan endoscopes (Urol.)	do	7,400.00
Trackmaster treadmill (Vascular)	do	5,000.00
Impedence plethsmograph (Vascular)	do	11,450.00
3M arthroscopic pump (Orthop.)	do	6,743.00
Storz arthroscope system (Orthop.)	do	10,467.00
ACMI resectoscope (Urol.)	do	4,200.00
Urogen table with accessories (Urol.)	do	17,420.00

Note: This list does not reflect items constantly bought by medical, that is, typewriters, calculators, IVAC thermometers, infusion pumps, wheelchairs.

VETERANS' HEALTH CARE PROGRAMS

Mr. DASCHLE. Mr. President, I am pleased to rise today to offer my support for this desperately needed action on behalf of our Nation's veterans. The funding crisis that has plagued the Department of Veterans Affairs medical facilities during the last year has reached tragic proportions, and has taken a severe toll on those whom this Nation owes its deep respect and gratitude.

In my State alone, over 2,000 veterans who were able to receive medical attention through the VA last year, were told this year that they would have to seek that care somewhere else. For many of them, an alternative to VA medical care simply does not exist.

Every day I hear from some of those veterans. They suffer from both service-connected and nonservice-connected disabilities. They served this Nation during war and during peace, whichever was required of them. They faced the enemy fire and provide essential support outside combat zones.

All these veterans have a great deal in common—a belief in this Nation, a commitment to America's security and ideals, a dedication to a land where they can raise their families to know freedom. It is unfortunate that the tie that binds so many of these veterans today is that they have all been denied medical treatment at VA hospitals—treatment they have received in the past.

The impact that this drastic change in policy has had on individual veterans has been devastating. These veterans are made up of indigent individuals who cannot afford health care from private providers. Some of these veterans are elderly, living on fixed incomes—they simply do not have the means to respond to VA closing it's doors to their medical needs. And what about those veterans who never purchased health insurance, because they believed that the VA and their honorable service to this Nation was all the insurance they would ever need.

You can imagine their heartfelt disappointment when they learned they were wrong, and that they would no longer be provided medical attention through the VA. You can imagine their frustration when learning that a $1 billion shortfall had accumulated for funding veterans' hospitals while the leaders of this body were being assured by the administration that adequate funding was being requested. And you can imagine their hope that we will work to make sure such a tragedy does not occur again.

That is why today's action is so vital. I believe this Government does have a commitment to care for the health of veterans, and I am hopeful that passing this supplemental appropriation will be a crucial step toward restoring that commitment.

We will have an additional opportunity to demonstrate that commitment by working for increased funding for veterans' health care in fiscal year 1990 as well. As important as today's supplemental funding is, it will not be enough to end the crisis facing veterans' health care. For those veterans with nowhere to turn for health care, these actions cannot be taken soon enough.

In conclusion, I want to again stress my overwhelming support for the funding being considered for veterans' health care today, and I urge my colleagues to join me in working toward reversing the deterioration that has plagued our veterans' hospitals, and begin restoring the availability of health care to America's veterans.

Mr. LEVIN. Mr. President, I support additional funds for the war on drugs. The antidrug legislation which was enacted last year should have been fully funded, and I supported legislation which would have accomplished that goal without an increase in the deficit.

I am inclinded to support this amendment. However, I am concerned that we are being asked to vote to overrule the Chair's judgment that this amendment violates the Budget Act. Although I am reluctant to waive the Budget Act, I would consider doing so if there is no other practical way in which to provide for vital spending, such as for the war on drugs. A motion to waive the Budget Act would be the forthright approach. But I am loath to overturn the ruling of the Chair that an amendment violates the Budget Act when that ruling is clearly correct.

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KING BHUMIBOL'S REIGN

Mr. HATFIELD. Mr. President, when Japanese Emporer Hirohito died earlier this year, Thailand's King Bhumibol became the longest reigning living monarch in the world. King Bhumibol ascended the throne in 1946, and was crowned Rama IX in 1950. In the more than four decades of his rule, the insightful and compassionate monarch has been a force for moderation, an advocate for the poor and the proud voice of nationalism and sustainable development.

Barbara Crossette, the New York Times bureau chief in New Dehli, recently had the opportunity to talk with King Bhumibol about his country, his family and his hopes for the future. Her fascinating account of their conversation and King Bhumibol's reign appeared in the New York Times magazine last month, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KING BHUMIBOL'S REIGN

(By Barbara Crossette)

The helicopter has just touched down, stirring the dust of a parched land waiting for summer rains, when its door opens and silk parasols, borne by guards in the costumes of an ancient Asian court, float above the head of the slender, solemn man in military uniform emerging from the aircraft.

King Bhumibol Adulyadej, Rama IX of the 207-year-old Chakri Dynasty, has arrived in Thailand's eastern Chonburi Province to consecrate a temple and to visit a small corner of his realm.

During this not-untypical day, he rewards 350 people who have contributed in some way to the building of Wat Nyanasangvararam Varamahvihara, a Buddhist meditation retreat under royal patronage. (One by one, they kneel at his feet to accept a citation.) He tours a model farm and agricultural training center for poor rural children, where he talks for nearly two hours with agronomists on choices of crops. He accepts from a European businessman the gift of a small-Swiss-style chalet on the bank of a new reservoir, which the King had built to ease water shortages in the arid area. In the evening, he dines with regional military commanders and provincial government leaders.

It is midnight when King Bhumibol, Queen Sirikit, their daughter Princess Maha Chakri Sirindhorn and a convoy of royal guards and officials return, by car, to Chitralada Palace in Bangkok, about 100 miles away.

There is much that is mysterious about how Thailand's monarchy works and how its royal family lives, and much that is not said because of the strictest, lesemajeste laws in the world. Even a casual comment on the privileged way of palace life, as a politician found out recently, can result in arrest and imprisonment; and members of the domestic and foreign press are careful not to overstep the unwritten but clearly understood limits of what can be written about the King and his family.

Little, therefore, is known about the private life of the longest reigning monarch in Siamese history and, since Emperor Hirohito's death early this year, the longest reigning living monarch anywhere. However, it is evident that the 61-year-old King—a constitutional monarch but the inheritor of a mystical power still keenly sensed and

fiercely defended by most Thais—has understood and used his heritage skillfully.

In an age when monarchs elsewhere serve a ceremonial rather than a political function, King Bhumibol is a crucial stabilizing and unifying force. He has helped his 55 million people weather decades of crises, including a Communist insurgency, the rapid industrialization of recent years and a series of military coups engineered by a powerful army that has dominated if not run every Government in Thailand for more than 50 years.

Nonetheless, to the outsider dazzled by the glittering palaces, the hordes of courtiers and the pomp and ceremony that attend the royal family, the Thai monarchy has an extravagant, fairly-tale quality. In an interview near the end of his day at Wat Nyanasangvararam last June, King Bhumibol quickly dismisses this fanciful view of himself and the way the world press reported the early years of his reign. (He ascended the throne in 1946, when he was 18, and was crowned Rama IX in 1950.)

"At first, it was all this rubbish about the half-brother of the moon and of the sun, and master of the tide and all that," he says, in slightly accented English. "I don't know where they found this—I think they did it for my uncle. King Rama VII, when he went to America," he says, adding that foreign correspondents, having made up those titles for a predecessor in 1831, continued to apply them to him in the 1950's. He considers it "irking." "They wanted to make a fairly tale to amuse people—to amuse people more than to tell the truth."

Rejecting the seclusion and formality of Japan's imperial family and the pop casualness of many of Britain's royals, King Bhumibol appears to be as driven and peripatetic as his grandfather, King Chulalongkorn. Ruling from 1868 until 1910, Chulalongkorn accelerated the modernization programs of his father, King Mongkut (celebrated on Broadway and by Hollywood in "The King and I") and, cannily signing treaties with Britain and France, saved Siam, alone among Southeast Asian countries, from colonization by a European power.

King Bhumibol travels constantly to monitor the more than 1,200 development projects under his patronage that are spread throughout the predominantly rural country. Supported by government, private and royal funds, these projects range from milk-pasteurizing plants to dams that turn dry land into fertile ricefields to factories making alternate fuels from discarded sugar-cane stalks or the water hyacinth that clogs Bangkok's waterways. Asked why he chose to be this kind of monarch, he answers cryptically: "I did not choose; it was chosen for me."

The interview—the first the King has given to a foreign newspaper—is held in the upper room of the Swiss chalet overlooking the reservoir. In a country of elaborate court rituals, where citizens prostrate themselves when they are presented to him, King Bhumibol quickly puts me at ease. Still wearing his military uniform, he dispels any doubt as to the proper way to greet him by walking toward me and extending his hand. We sit down at a small, wooden table and he answers my questions forthrightly and courteously, prolonging the interview beyond the half-hour set by palace aides.

He seems eager to talk in detail about his newest projects, less interested in long historical views. He does not care how history will remember him, he claims: "If they want to write about me in a good way, they should write how I do things that are useful. If they want to criticize me, I don't care. I don't mind. But they must criticize me fairly. Usually the criticism is not fair. Or the praise, even the praise sometimes is not fair."

Soft-spoken, often somber and intense, tightly controlled in bearing, he treats Princess Sirindhorn, who sits beside him during the interview and who is his helper on many royal projects, with unfailing kindness. The shy, 34-year-old princess, dressed in the formal silk jacket and long, sarong-style skirt of Thailand, smiles from time to time, responding in a soft voice only to direct questions from her father as he tries to draw her into the conversation.

The King says he has less and less time for his hobbies (he is a musician, painter, photographer and sailor). He still carries a camera with him on his travels, but he no longer paints. A recent exhibition of his paintings at Thailand's National Cultural Center showed a change from light, romantic works in his youth (many of them portraits of Queen Sirikit) to more abstract canvases in the later years.

A jazz clarinetist, saxophonist and composer, the King sets aside time each weekend for musicians who come to Chitralada Palace. On weekdays, he frequently calls together an impromptu group, often including Princess Sirindhorn and palace personnel, whom he has taught to play instruments.

He used to travel often to other parts of the world, but has not left Thailand for more than 20 years because, he says, "It is tiring to go out and to come back, and when you come back you have lost some contact." His last official tour was to the United States and Canada in 1967.

Will he revisit America?

He laughs. "To this question, I always say: Perhaps, one day. My philosophy has been to take things day by day. When I talk about this philosophy it makes people perhaps a little surprised," he says, adding that it sounds like a creed propunded by "someone who has no hope. But because we have hope, we must do things day by day, and build up day by day—not make too many plans."

When Bhumibol Adulyadej became King, Thailand and its royal family were in the midst of a crisis. On June 9, 1946, as Thais were trying to put behind them their country's war-time collaboration with Japan and to rebuild ties with the West, Bhumibol's 20-year-old brother, King Ananda Mahidol, Rama VIII, was found in his private chambers with a bullet through his head. Bhumibol was the last family member to see his brother alive.

No explanation for that death has ever been given. King Ananda, who was a gun collector, was said by some to have died accidentally or been murdered with his own gun. That he might have killed himself—he had been ill and despondent—is not discussed in Thailand. A few years ago, the palace privately issued a book, "Busy Fingers," in which Princess Balyani Vadhana, the sister of Bhumibol and Ananda, drew a gentle, loving portrait of her mother and her many activities. In the epilogue is this quote from Voltaire: "If you do not wish to commit suicide, always have something to do."

Bhumibol Adulyadej (the name means "Strength of the Land, Incomparable Power") was born in Cambridge, Mass., on Dec. 5, 1927, the third and youngest child of Prince Mahidol, then a medical student at Harvard, and his wife, Sangwalya Chukramol, a commoner. They had met when she was a student nurse in America. Firmly committed to improving public health, Prince Mahidol is regarded as the father of modern medicine in Thailand.

In 1929, when Bhumibol was not yet 2 years old, Prince Mahidol died in Thailand. The little Prince, his elder brother and their sister were raised by their mother, who took them to Switzerland in 1933 for their education. Now 89, the Princess Mother, as she has been known since 1935, lives in Lausanne about eight months of the year.

"She was a great teacher, and still is a teacher now," says King Bhumibol. "She is still doing good work and showing the way. She instilled this idea of service. For instance, when we received something—money—we had to put a percentage in the box for the poor. If we did something wrong . . . we paid the fine not to Mother, but to the box for the poor people."

Princess Galyani's recollections of those childhood years in Switzerland are of a warm family life. In 1935, however, that life changed abruptly Thailand's last absolute king, Prajadhipok (Prince Mahidol's brother)—whose governing power had been substantially reduced in 1932 in a bloodless military coup—abdicated and the royal line moved to the late Prince's family. The crown of Siam passed to Prince Ananda, who was 10 years old. A regency was installed, allowing the child-king to finish his studies in Switzerland.

Prince Bhumibol, meanwhile, graduated from Lausanne's Gymnase Classique Cantonal and embarked on a science course at Lausanne University. Those years in Switzerland were enlivened by his interest in music and fast cars (he injured his right eye in an automobile accident).

After the death of his brother in 1946, King Bhumibol went back to Lausanne to complete his university education, switching his studies to polical science and law, in anticipation of his coronation in 1950.

The King now speaks with some bitterness about the early years of his reign, though without mentioning names. In 1951, political power in Thailand was still in the hands of Luang Pibul Songgram, a clever and ruthless military strongman, and admirer of Hitler and Mussolini who had allied Thailand with Japan in World War II. He had changed the country's name from Siam to Thailand ("Land of the Ethnic Thais") in 1939, and was one of the harshest of Thailand's military dictators.

"When I'd open my mouth and suggest something, they'd say: 'Your Majesty, you don't know anything,'" the King recalls. "So I shut my mouth. I know things, but I shut my mouth. They don't want me to speak, so I don't speak."

"After that," he adds, "I do some things that are within my rights and then they see that it is something that is all right. So they begin to understand that I am doing things not for my own enrichment or my own interest. It is for the whole country."

In 1957, the Pibul Government fell in a coup organized by a rival field marshal, Sarit Thanarat, who saw in the King a source of unity for a turbulent, rapidly changing society. Some scholars speculate that the King may have supported Field Marshal Sarit.

"The state of monarchy in 1957 was very poor," says David K. Wyatt, chairman of the history department at Cornell University and a leading scholar of Thai history. He credits an "adroit" King Bhumibol with turning the monarchy into the nation's

strongest social and political institution. "In the last 30 or 40 years when the political system had great difficult holding it all together," say Wyatt, "the monarchy kept the value on which almost everyone can agree. The king has identified the nation."

So skillful has the King been as a unifying force that no important sector of Thai society can be described as resentful of his power—neither the rising commercial, industrial and financial powers, nor the burgeoning intellectual community, nor the military, which still has a strong presence in every town.

With real power in military hands, Thailand has never had a chance to develop a democratic political system. What Thais have seen is a succession of coups and countercoups as military strongmen have played a game of political musical chairs that has been remarkably free of violence and that appears to have had little or no appreciable effect on daily life.

Meanwhile, so entrenched is the power of the King that some Thai political scientists say military officers and politicians have recently begun to hide behind it, using the appearance of royal favor for their own ends. Charges of lése-majesté are sometimes leveled to silence critics.

Theoretically, King Bhumibol could concern himself with everything from the issuing of dog licenses to the choice of prime minister. He has, in fact, made a number of important political decisions, not by fiat but through gestures understood by a people sensitive to such subtleties.

In 1973, for example, during student riots against the military Government of Field Marshal Thanom Kittikachorn, he appeared to side with the young people and helped usher in a brief period of civilian rule. In 1976, however, when Thailand faced a Communist insurgency and the civilian Government of Seni Pramoj appeared incapable of dealing with that threat, the King seemed to agree with the military that the Seni Government should be overthrown.

Then again, during an attempted military coup in 1981, Prime Minister Prem Tinsulanonda was invited to stay with King Bhumibol and Queen Sirikit in one of their provincial palaces. The message was clear, and the coup collapsed.

No one knows how far the King can push the military. He has no army of his own and, given the difficulty he had with the military during the early years of his reign, he is probably acutely aware of the perimeters of his own power. Although the present Prime Minister, Chatichai Choonhavan, is the first to be elected in 12 years, he is a retired major general who must still maintain good relations with the current army chief.

In practical, daily terms, though, the power of the King is most felt in the royal development projects, which he has been initiating and monitoring since the early years of his reign. The lending of his name to any plan means that things will get done; no bureaucrat would dare slow down or obstruct it. Royal projects employ many bright young Thai university graduates, some with American or European advanced degrees.

The extensive network of projects have helped reduce the influence of Communists and other radicals in the countryside, segments of which remain some of the poorest in Southeast Asia. Thailand may be unique among developing nations as it modernizes under royal patronage, not political or bureaucratic leadership or ideology.

The King oversees his projects, spending time at royal residences at Chiang Mai in the north, Sakon Nakhon in the northeast, Prachaup Khiri Khan in the mid-south and Narathiwat in the deep, largely Muslim south.

Occasionally, he gets wealthy private donors to contribute to his projects through sly psychology. For example, he tells the story of a rich local merchant who, seriously ill, had a dream in which a dragon appeared and told him the King was good because he had brought water to a nearby mountain. After recovering, the merchant remembered the dream and wanted to give the King money to build a large house.

"So I said no," King Bhumibol recalls. "You just build a small pavilion and a good dam, a big dam, so that your dragon can play in the water. So we built this dam," the King says, gesturing to the new reservoir behind him, "and he paid for part of the dam." Near the shore, its feet in the water, stands the statute of a playful dragon.

Before withdrawing from many public functions in 1985, Queen Sirikit, who is now 56, ran her own set of projects, which emphasized village health care.

The Queen's Foundation for the Promotion of Supplementary Occupations and Related Techniques encourages the preservation or revival of ancient arts, including silk weaving. Apart from providing a chain of shops with high-quality crafts, the foundation also gives rural Thai women the training and materials to set up artisans' cooperatives.

To make the development projects possible, the King has devised his own blend of majesty and popular accessibility. "I think it is a good technique that we have found," he says, adding that in his position, there are two extremes to be avoided: complete subservience to politicians and royal wilfulness.

"You can stay in the frame of the law," he says. "You do what the law says. That is, if you say something, the Prime Minister or a minister must countersign, and if he is not there to countersign, we cannot speak. That is one way to do it—do nothing, just nothing at all.

"The other way is to do too much, use the influence we have to do anything. That doesn't work either. We must be in the middle, and working in every field."

For most of King Bhumibol's reign, his projects have concentrated on the development of the countryside. These days, because of rapid industrialization—Thailand has one of the fastest economic growth rates in Asia and is trying to be the next South Korea—the King is turning to the problems that urbanization brings. For one, the Thai capital is choking on traffic, sewage and air pollution. The King says he has just set up a foundation charged to improve the quality of life in Bangkok.

"My daughter is the president of this Foundation for Development," he says, turning to Princess Sirindhorn. The foundation's goal, he adds, is to prevent the frequent floodings and to correct the city's sewage problem. "What we are doing is to try to make a reservoir, keeping water that would go to waste. Then when we need it, we let it come down and flush the sewage."

King Bhumibol also wants to find low-cost ways to clean stagnant water. He describes a lake in Bangkok that is being purified through a repeated removal and replanting of water hyancinth.

"So this water hyacinth will absorb the sewage," he says, adding that the plants that have been cleared from the pond can still be used. "You can make fuel, and you can make compost. You can make fodder for animals. You can take fiber to make baskets or other things. So the water hyacinth will be useful: that's the idea. So we get rid of the nuisance and we get something good out of it."

Weighing heavily on the minds of many Thais is the question of what will happen when the King's reign ends.

King Bhumibol and Queen Sirikit have four children. The eldest is the former Princess Ubol Ratana, who is 38 years of age. A graduate of the Massachusetts Institute of Technology, she married an American, Peter Ladd Jensen, renounced her title and lives in California.

The youngest, Princess Chulabhorn, who is 31 and married to a Thai commoner, is a scientist with a doctorate in organic chemistry. She devotes herself to scientific projects, and assists her mother in running handicraft projects. It was Princess Chulabhorn who broke a long family silence in 1985-86 over the unexplained absence from public life of Queen Sirikit. In a television interview, the Princess said that the Queen, whom she described as an insomniac, was "exhausted" and had been ordered to rest.

Between these two daughters are Princess Sirindhorn and the 36-year-old Crown Prince Maha Vajiralongkorn.

The Crown Prince—who admitted in a candid interview with a Thai women's magazine, Dichan, that he is regarded as the family's "black sheep"—is by most accounts a wilfull, temperamental and sometimes violent man, fond of fast airplanes. He is a jet pilot and a major general with his own guards regiment.

Strangely, in a country where having "minor wives" is neither illegal nor unusual, the Crown Prince was the target in 1987 of an unprecedented leaflet campaign criticizing his personal life.

Officially, the Prince's Royal Consort is Princess Soamsawali, and they have one daughter. But there is now a semipublic second family of four sons and a daughter. In the Dichan interview, the Prince said he loved "all" his children equally. His attempt, in 1987, to take his "second wife" on a official visit to Japan, however, provoked a diplomatic incident when Tokyo demurred.

Of the King's four children, Princess Sirindhorn, who is unmarried, seems to be the one closest to him. She accompanies him on many of his tours to royal projects, and is easily the most popular woman in Thailand.

In the manner of a fond father, the King names her has an example of how the royal family "can learn every day."

"That is what my daughter did," he says. "She took courses in art and graduated in art. Meanwhile, she said she wanted to learn about the soil, how to study the soil. She said that she should have enrolled in science. But I tell her: you do any study, good study, and it is useful. So she completed her study in art, in language and in archeology. And then she took courses in surveying, engineering. After that, in education. If we want to learn, we can learn any subject." He adds that the Princess also likes music and writes poetry.

In 1977, when Princess Sirindhorn was 22, her father bestowed on her the title Somdet Phra Debaratana Rajasuda Chao Fa Maha Chakri Sirindhorn (which means "Sirindhorn, a beloved daughter and great princess of the Chakri Dynasty who possesses glory and goodness")—in effect making her a

Crown Princess. The succession law was also changed to allow women to succeed to the Thai throne.

A TRIBUTE TO DIXON TERRY, IOWA AGRICULTURAL LEADER

Mr. GRASSLEY. Mr. President, Dixon Terry was buried today in Iowa. The 39-year-old farmer was killed by a bolt of lightning while harvesting alfalfa on his family farm. While his name may not be recognized in the Halls of Congress, his loss will be felt here, as well as in Iowa.

Dixon Terry was a farmer, but more importantly, he was a champion of agriculture. In the early 1980's, when farmers began to struggle with an increasing debt burden, Dixon Terry began to speak out about the farm crisis. He was concerned about agriculture lenders' treatment of farmers and he was concerned about the low prices farmers were receiving for their products.

Many farmers were concerned about these same issues in the early 1980's. But Dixon Terry did more than just complain about the conditions facing agriculture, he did something about it. Dixon organized the Iowa Farm Unity Coalition—an organization composed of 15 church, labor, and farm groups concerned about the conditions of agriculture. The group has 5,000 members today and is one of the most influential liberal farm groups in the Nation.

Dixon Terry fought for changes in farm policy and for changes in Federal farm lending practices. But he fought for more than just his fellow farmers, he championed the causes of individuals in struggling rural communities. He knew the toll the farm crisis was taking on the mental health of the people in rural areas and worked with farm advocates and social workers to help those in need.

Dixon kept the farm crisis alive in the hearts and minds of people across Iowa and around the Nation. Before the 1988 Iowa Presidential caucuses, Dixon organized a debate between the Presidential candidates on the issue of agriculture. He worked with the Reverend Jesse Jackson to open a Jackson campaign office in Dixon's hometown of Greenfield, IA. And finally, his influence was felt by Michael Dukakis who modified his agricultural policies after intense lobbying initiated by Dixon.

Dixon Terry's friends praised him as an "extraordinarily articulate person in talking about the problems confornting family farmers." I found this to be true in each of my discussions with him. Whether the issue was farm credit, rural development, or Presidential politics, Dixon was equally well versed. Dixon was in my office 2 weeks ago to talk to me about patents on farm animals. No matter what the issue, I appreciated his honesty and his vision about what was needed for agriculture.

In 1987, Dixon Terry was asked to comment about the Reverend Jesse Jackson. Dixon's comments were that Jackson, "addressed the real pain in people's lives and connected it to the political process." I can think of no better tribute to Dixon Terry than his own words. For Dixon was the one who could see and feel the pain in our rural communities and channel that pain into the political process. Dixon Terry will be truly missed in Iowa and around the country.

TRIBUTE TO CLAUDE PEPPER

Mr. ADAMS. Mr. President, I am very saddened by the death of Claude Pepper. Not only have our senior citizens lost a stalwart in the fight for programs to address their special needs, but all Americans have lost a voice for compassion and care for the needy in all our communities. On the heels of former Senator Magnuson's death, the country has now been dealt a double blow with the passing of two of its finest public servants.

Claude Pepper will be deeply missed by everyone whose life he touched. All of us in Congress have been enriched through our association with him. Indeed, his tireless work in both the Senate and House of Representatives on behalf of the least fortunate Americans is a model all public servants will do well to emulate. I extend my heartfelt sympathies to all of his family and friends.

Claude Pepper first came to the Senate to work closely with President Roosevelt in support of New Deal programs. During that time he worked for the first minimum wage law in our country, and began his lifelong crusade to protect Social Security and improve health care in America and around the world. He supported legislation that created the World Health Organization, and several of the National Institutes of Health, including the National Institute for Arthritis.

After serving 14 years in the Senate, he was defeated in 1950, only to be elected to the House in 1962, where he served his country the rest of his life. Representative Pepper then resumed the work he previously began, and rose to become chairman of the key House Aging and Rules Committees. Using these chairmanships as powerful platforms to speak out for our seniors, he successfully promoted legislation to raise the mandatory retirement age from 65 to 70 for those privately employed and to disallow age as a mandatory retirement factor for most Federal workers. He was a central figure in the last major restructuring of the Social Security System, and most recently battled for increased senior citizen nursing and home care benefits.

I first met Claude Pepper in 1950. Still in law school, I came to the Nation's Capital looking for my first job. Claude Pepper was the first person I met. He had gone to Stetson University in Florida with my bride's father. He said to me "go home to Washington State." It was the best advice I have ever had because it led me to where I am today.

Later, I had the great privilege of serving with Claude Pepper during my six terms in the House. I was fortunate to have had such a thoughtful and skilled teacher. In fact, in 1986 when I ran for the Senate, Claude Pepper came to Washington State to help me. We started early one morning at a breakfast meeting in Seattle. At 7:30 a.m. when most of my sleepy-eyed supporters were just beginning to gather, there was Claude Pepper—bright eyed and greeting each guest at the door. Later in the morning we visited a large retirement home north of Seattle. Hundreds of senior citizens had gathered to welcome their champion. That afternoon we flew to Spokane where another cheering crowd had assembled to meet him.

Mr. President, that day in 1986 meant a lot to me and to my State because Claude Pepper not only spent time with us but he taught us all a very good lesson. He taught us to never quit, always look forward and fight for what you believe in. During those appearances in Washington State, Claude Pepper not only talked about what had happened in the fight for senior rights, but he told his audiences to keep going, to look to the future, and to leave their children a legacy of dignity for every American, regardless of age. He blessed us with the ageless advice to care.

AGENT ORANGE LAWSUIT AND VA'S RESPONSE

Mr. CRANSTON. Mr. President, early last month on May 3, Judge Thelton Henderson of the U.S. District Court for the Northern District of California granted summary judgment on certain issues to the plaintiffs in the case of Nehmer, et al. versus U.S. Veterans' Administration, et al., an action in which plaintiffs had challenged VA's compliance with the requirements of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Public Law 98-542.

Mr. President, I did not find at all surprising the court's action in holding that VA had erred in two ways in carrying out the requirement in Public Law 98-542 that VA issue regulations relating to the handling of claims for compensation based on exposure to agent orange—first, by utilizing too high a standard for determining if there is a linkage between exposure to agent orange and a subsequent mani-

festation of a disease and, second, by failing to give the benefit of the doubt to veterans in the issuing of the regulations. In fact, as the Senate author with Senator SIMPSON of the legislation that was enacted as Public Law 98-542, I had described the intent of that legislation during Senate action on it in ways very similar to those used by Judge Henderson in his opinion.

What was not so expected, however, was the very rapid, affirmative reaction of Secretary of Veterans' Affairs Ed Derwinski to the court's decision. Rather than appealing the decision, Secretary Derwinski announced on May 11 that the Department was going to abide by the ruling and would begin the process of reevaluating the relevant science and reissuing the agent orange regulations. This action by Secretary Derwinski was a most refreshing change from the generally not-very-forthcoming way in which VA has dealt with the agent orange issue in recent years, and I was delighted that he took this forthright and thoughtful step. Regardless of the final outcome of the regulation-issuing process, which Secretary Derwinski estimates will be completed by October of this year, this first step of not appealing the court decision shows a new executive branch sensitivity to the concerns of Vietnam veterans and should serve to give VA another chance to come to grips with this very complex, very troubling, very persistent legacy of the war in Vietnam.

Mr. President, on May 17, 1989, I wrote Secretary Derwinski to congratulate him for his actions in response to the court decision. I ask unanimous consent that that letter, his letter of May 11 to the Attorney General, and the VA press release on this matter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 17, 1989.

Hon. EDWARD J. DERWINSKI,
Secretary of Veterans' Affairs,
Washington, DC.

DEAR ED: Thanks for sharing with me a copy of your May 11, 1989, letter to the Attorney General in which you advised him of your intention not to seek an appeal of the court's decision in the case of *Nehmer, et al.* v. *United States et al.*

I think your decision in this matter was very forthright and thoughtful. I congratulate you for committing the Department to moving forward in a timely fashion to promulgate regulations in a manner consistent with the court's opinion. This is a fine example of how VA can work constructively to serve our Nation's veterans and their survivors in an enlightened and farsighted way.

You are off to an auspicious start, Ed.

Again, my sincere congratulations.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

VETERANS' ADMINISTRATION,
Washington, DC, May 11, 1989.

Hon. RICHARD L. THORNBURGH,
Attorney General,
Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: On May 3, 1989, the United States District Court for the Northern District of California rendered its opinion in the case of *Nehmer, et al.* v. *United States et al.* In that case, plaintiffs challenged the validity of regulations provided by the Department of Veterans Affairs governing claims for compensation by individuals claiming exposure to the herbicide Agent Orange. The court found that the portion of those regulations which governs the payment of compensation for specific diseases related to exposure to Agent Orange is invalid. The court returned the matter to the Department of Veterans Affairs for action consistent with its opinion. A copy of the opinion is enclosed for your information.

I have reviewed the court's opinion as has my staff. I have made a decision not to seek appeal. I intend to proceed immediately with action to promulgate regulations in a manner that is consistent with the opinion of the court. It is my opinion that an appeal would not be in the best interests of the Administration or the veterans community served by this Department.

My staff and I would be pleased to meet with you and discuss in detail the basis for my decision. Naturally we will keep you fully advised as we proceed with the rulemaking process.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

[Department of Veterans Affairs news release, May 11, 1989]

VA WILL NOT APPEAL AGENT ORANGE COURT RULING

WASHINGTON, DC, May.—Secretary of Veterans Affairs Edward J. Derwinski announced today that VA will not appeal a Federal District Court ruling that orders the agency to rewrite regulations governing claims for disability compensation relating to Agent Orange exposure.

Derwinski said VA would immediately begin to prepare revised rules that apply to criteria used by its advisory committee and VA claims personnel in making determinations concerning the possible health effects of veterans' contact with the herbicide Agent Orange in Vietnam.

Earlier this week, U.S. District Court Judge Thelton E. Henderson held that VA had not properly interpreted provisions of the 1984 Veterans' Dioxin and Radiation Exposure Compensation Standards Act. Henderson's opinion voided VA's denial of disability claims made by Vietnam veterans who were seeking benefits based on health problems they believed were caused by Agent Orange exposure.

In the opinion, Henderson also concluded that while the Veterans' Advisory Committee on Environmental Hazards had properly reviewed available scientific studies, its conclusions were affected by what the court viewed as VA's imposition of an "impermissibly demanding test" for connecting Agent Orange with health problems.

Derwinski said the revised regulations would be published for public comment as soon as possible and that once they were formally and legally in place would be used as new criteria by the advisory committee and in VA claims procedures.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:53 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2. An act to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 1, 1989, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 128. Joint resolution authorizing a first strike ceremony at the U.S. Capitol for the Bicentennial of the Congress Commemorative Coin.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, with an amendment in the nature of a substitute and an amendment to the title:

S. 377. A bill to establish a series of five Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States (Rept. No. 101-43).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. DURENBERGER, and Mr. CHAFEE):

S. 1089. A bill to authorize appropriations for the Office of Environmental Quality, for fiscal years 1989, 1990, 1991, 1992, and 1993, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOND (for himself and Mr. DANFORTH):

S. 1090. A bill to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM:

S. 1091. A bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, and Mr. MATSUNAGA):

S. 1092. A bill to amend title 38, United States Code, to implement certain recommendations of the Commission of Veterans' Education Policy for veterans' education policy improvements concerning work-study allowances, institutional reporting fees and distinctions in degree and nondegree training; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ARMSTRONG:

S. 1093. A bill to accord refugee status to certain nationals of Nicaragua who are outside Nicaragua and unwilling to return, and for other purposes; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. KENNEDY, and Mr. HATCH):

S. 1094. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the Secretary of Health and Human Services to determine the appropriate regulatory classification of transitional devices, by the Medical Device Amendments of 1976, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GLENN:

S. 1095. A bill concerning mixed ortho/para toluene sulfonomide; to the Committee on Finance.

By Mr. NICKLES (for himself and Mr. BOREN):

S. 1096. A bill to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73A of the Indians Claims Commission; to the Select Committee on Indian Affairs.

By Mr. BRADLEY:

S. 1097. A bill to amend the Medicare Catastrophic Coverage Act of 1988 to extend the Advisory Committee on Medicare Home Health Claims; to the Committee on Finance.

By Mr. HEINZ:

S. 1098. A bill to provide financial assistance to raise the literacy skills of commercial drivers; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 1099. A bill to amend the Labor Management Relations Act, 1947 to provide that the prohibition on an employer paying or lending money or anything of value to a labor organization shall not apply to payments made by the employer to an employee trust fund only if the detailed basis on which such payments are to be made is specified in a written agreement and the employer fully understands the essential terms of the agreement and each document incorporated into the agreement, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. McCONNELL:

S. 1100. A bill to provide greater certainty in the availability and cost of liability insurance, to eliminate the abuses of the tort system, and for other purposes; to the Committee on the Judiciary.

By Mr. HELMS:

S. 1101. A bill to temporarily suspend the duty on N-{{(4-chlorophenyl)amino}carbonyl-2,6-difluorobenzamide; to the Committee on Finance.

S. 1102. A bill to temporarily suspend the duty on 2,6 dichlorobenzonitrile; to the Committee on Finance.

S. 1103. A bill to temporarily suspend the duty on 1-{1-((4 chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl}-1-H-imidazole; to the Committee on Finance.

By Mr. DANFORTH:

S. 1104. A bill to temporarily suspend the duty on flashlights and flashlight parts; to the Committee on Finance.

S. 1105. A bill to temporarily suspend the duty on certain Christmas ornaments; to the Committee on Finance.

S. 1106. A bill to temporarily reduce the duty on frozen carrots; to the Committee on Finance.

By Mr. STEVENS:

S. 1108. A bill to provide another opportunity for Federal employees to elect coverage under the Federal Employees' Retirement System; to provide that the recently enacted government pension offset provisions of the Social Security Act shall not apply to Federal employees who take advantage of the new election period; and for other purposes; to the Committee on Governmental Affairs.

By Mr. PELL (for himself, Mrs. KASSEBAUM, and Mr. KENNEDY):

S. 1109. A bill to amend the Carl D. Perkins Vocational Education Act to extend the authorities contained in such Act through the fiscal year 1995; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (by request):

S. 1110. A bill to amend title 38, United States Code, to authorize the Department of Veterans Affairs to require mandatory disclosure of social security numbers in claims for disability and death benefits; to the Committee on Veterans Affairs.

By Mr. DOMENICI:

S. 1111. A bill to allow the leasing of certain lands to Roswell, New Mexico; to the Committee on Labor and Human Resources.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. MITCHELL, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. REID):

S. 1112. A bill to amend the Solid Waste Disposal Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. MITCHELL, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS):

S. 1113. A bill to amend the Solid Waste Disposal Act and extend the authorization through 1993; to the Committee on Environment and Public Works.

By Mr. EXON:

S. 1114. A bill to amend title 11, United States Code, the Bankruptcy Code to provide that a stay not apply to State property taxes; to the Committee on the Judiciary.

By Mr. EXON (for himself, Mr. STEVENS, Mr. LEAHY, Mr. GLENN, Mr. HEFLIN, Mr. GRASSLEY, Mr. CONRAD, Mr. DIXON, Mr. THURMOND, Mr. BAUCUS, Mr. DURENBERGER, Mr. BUMPERS, Mr. LUGAR, Mr. COCHRAN, Mr. KERREY, Mr. BURDICK, Mr. SHELBY, Mr. SANFORD, Mr. PRYOR, Mr. BENTSEN, Mr. GORE, Mr. BOREN, Mr. MURKOWSKI, Mr. SIMON, and Mr. DASCHLE):

S. 1115. A bill to amend the Rural Electrification Act of 1936 to permit the prepayment and refinancing of Federal Financing Bank loans made to rural electrification and telephone systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG:

S.J. Res. 147. Joint resolution to designate the week beginning June 11, 1989, as "National Scleroderma Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred—or acted upon—as indicated:

By Mr. KERREY:

S. Res. 140. Resolution authorizing the use of the Senate Hart Building Atrium for a concert by the Congressional Chorus; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. DURENBERGER, and Mr. CHAFEE):

S. 1089. A bill to authorize appropriations for the Office of Environmental Quality for fiscal years 1989, 1990, 1991, 1992 and 1993, and for other purposes; to the Committee on Environment and Public Works.

AUTHORIZING APPROPRIATIONS FOR THE OFFICE OF ENVIRONMENTAL QUALITY

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation to amend and reauthorize the National Environmental Policy Act. I am pleased that Senator DURENBERGER, the ranking Republican member of the Subcommittee on Superfund, Ocean and Water Protection, is joining me in this effort.

Mr. President, the signing of NEPA into law on January 1, 1970, ushered us into the environmental era. NEPA requires Federal agencies to consider to the proposed extent possible the environmental impacts of their proposed activities in their decisionmaking process. Federal agencies are authorized to modify their activities to mitigate environmental impacts and avoid the impacts altogether by not proceeding with the activity. To achieve this substantive goal, NEPA requires the preparation of environmental impact statements for major Federal actions significantly affecting the quality of the human environment. This ensures that agency officials and the public are made aware of the environmental impacts and that the public has an opportunity to comment on and become involved in the decisionmaking process.

The success of NEPA is indisputable. Scores of activities have been modified because of NEPA. The environmental impact assessment process required by NEPA is being used by many foreign nations and more than 15 States have adopted similar assessment and review processes.

The bill I am introducing today amends NEPA to strengthen its requirements to address problems which have arisen since the law was last amended. I want to highlight a few of these issues.

First, I believe the time has come to reinvigorate the Council on Environmental Quality to implement its responsibilities under NEPA. The Council serves a critical role in coordinating Federal agency environmental programs and policies and advising the President on the vast range of environmental issues. No agency or department head can perform these functions on his or her own. It is imperative that the President has an effective staff in the Executive Office which can do the job.

Under President Reagan, the Council budget and staff were reduced significantly and the President failed to use the Council in a meaningful way to coordinate his environmental policy. A number of ideas to accomplish this goal were suggested in Blueprint for the Environmental, a report prepared by the environmental community for President Bush.

At the subcommittee's hearing on NEPA, I intend to explore one suggestion in this report to reduce the number of members of the Council from three to one. The report concludes that this would clarify lines of responsibility within the Council and provide the President with an environmental adviser within the Executive order.

The legislation I am introducing addresses other major points suggested by the Blueprint report. The bill changes the focus of the annual report from a historical report to one in which the President proposes his environmental policies for congressional consideration. The bill also extended and increases authorizations for CEQ.

Second, the bill addresses the consideration of mitigation measures and alternatives in environmental impact statements. The bill reemphasizes the importance of considering a board range of alternatives in the environmental impact statement. It also requires CEQ to issue guidelines to require Federal agencies to review a sample of their EIS's to determine the effectiveness of mitigation measures.

The bill also requires Federal agencies to identify the mitigation measures they propose to adopt in the EIS. This requirement would reverse a recent Supreme Court decision in Robertson versus Methow Valley Citizens Council. The failure to include such mitigation measures in an EIS defeats both the procedural requirements on NEPA to have the public made aware of mitigation measures the Federal agency will adopt and the substantive requirements on NEPA to take actions to eliminate or reduce the environmental impact.

Last, the bill clarifies that NEPA applies to all Federal actions, not just those in the United States. It also provides for the full consideration of environmental impacts on areas outside U.S. jurisdiction, includes cumulative impacts of proposed Federal actions on global climate change, depletion of the ozone layer, and transboundary pollution.

In 1979, President Carter issued Executive Order 12114 to require Federal agencies to take certain international environmental considerations into effect. But the Executive order was not issued under the authority of NEPA so the failure of Federal agencies to comply cannot be challenged in court, and the other requirements of NEPA, particularly the public participation provisions, are not required for these actions. The Executive order also includes numerous exemptions including votes in international organizations.

As a result, the environmental impact statement process has rarely been used for Federal actions with extraterritorial impacts. According to a CEQ survey, the total number of actions falling within the Executive order between 1985 and late 1987 was 45 or only 15 per year. This practice is inconsistent with the goals and policies of NEPA.

This is particularly true for U.S. voters on projects at multilateral banks. These projects can have significant environmental impacts. Yet the banks fail to consider routinely the environmental impacts of projects it funds and to have the public involved in this review process. I am cosponsoring legislation introduced by Senator SYMMS to have the United States use its influence to have the multilateral banks routinely use an environmental assessment process prior to decisions about bank projects. This legislation also will be considered at my subcommittee's hearings on NEPA.

In addition, the EIS process is rarely used with respect to ozone depletion and global warming. Last fall, the CEQ prepared a document that would have required Federal agencies to study the impact of their actions on Global climate change. Unfortunately, the Reagan administration, in one of its last acts, decided against issuing this guidance. This is clearly unacceptable. Federal agencies must address these and other global issues in their environmental impact statements. To fail to do so would be to undercut the whole thrust of NEPA. So the bill requires CEQ to issue regulations to ensure that EIS's address global environmental issues.

I understand that this issue is controversial. I am willing to work with the administration to structure a provision which addresses legitimate concerns. But I am not willing to compromise on the basic thrust that the United States must be a leader in addressing international environmental issues. President Bush and EPA Administrator Reilly both have called for the United States to be at the forefront of international environmental challenges. We can hardly be in the forefront with our existing position on the applicability of NEPA to extraterritorial actions.

Mr. President, I want to address one related issue which has been raised in legislation passed by the Senate Energy Committee. S. 684, the Arctic Coastal Plain Competitive Oil and Gas Leasing Act, contains a provision which makes a congressional determination that the Department of the Interior's legislative impact statement to authorize oil and gas drilling in the Arctic National Wildlife Refuge satisfies NEPA.

This provision is particularly troublesome because of the significant criticism that this EIS has received from EPA, CRS, and the public. It also perpetuates a terrible precedent. It's ironic that one of the very few times the Congress has made such a determination involved the approval for construction of the Trans-Alaskan pipeline. As a result of Congress' action, the pipeline was built. And today, millions of gallons of oil are contaminating Prince William Sound, killing birds, sea otters, and other living marine resources.

We should let the NEPA process run its proper course. I will strongly oppose any attempts to shortcircuit the NEPA process.

Mr. President, NEPA is a good and necessary law. The bill I am offering will strengthen the NEPA process and the Council on Environmental Quality. I urge my colleagues to support this legislation. And I ask unanimous consent that the bill, a section-by-section analysis, a letter that I and other Members sent to President Bush concerning CEQ guidance on global warming, and a letter sent by Treasury Secretary Brady to World Bank President Barber Conable urging the World Bank to make environmental analyses of Bank projects available to the public prior to votes on the project, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF NATIONAL ENVIRONMENTAL POLICY.

(a) STATEMENT OF GENERAL ENVIRONMENTAL POLICY.—Section 101(b) of the National Environmental Policy Act (42 U.S.C. 4331(b)) is amended—

(1) in paragraph (5) by striking "and" following the semicolon;

(2) in paragraph (6) by striking the period and inserting in lieu thereof "; and "; and

(3) by adding at the end the following new paragraph:

"(7) provided world leadership in ensuring a healthy and stable global environment.".

(b) ENVIRONMENTAL IMPACT STATEMENTS.—Section 102(2) (C) of the National Environmental Policy Act (42 U.S.C. 4332(2) (C)) is amended—

(1) by inserting after "major Federal actions" the following:

", including extraterritorial actions (other than those taken to protect the national security of the United States, actions taken in the course of an armed conflict, strategic intelligence actions, armament transfers, or judicial or administrative civil or criminal enforcement actions),";

(2) by striking clause (iii) and inserting in lieu thereof the following:

"(iii) alternatives to the proposed action that achieve the same or similar public purposes, including alternatives that avoid the adverse environmental effects described in

clause (ii) and alternatives that otherwise mitigate those adverse environmental effects,";

(3) by striking "and" at the end of clause (iv):

(4) by striking the period at the end of clause (v) and inserting ", and" in lieu thereof;

(5) by adding the following new clause:

"(vi) "measures that will be taken to mitigate adverse environmental effects if the proposed action is implemented,"; and

(6) by inserting "and the public" immediately before the second period.

(c) FEDERAL AGENCY ACTION REGARDING GLOBAL ENVIRONMENT.—Section 102(2) (F) of the National Environmental Policy Act (42 U.S.C. 4332 (2) (F)) is amended to read as follows:

"(F) recognize the global and long-range character of environmental problems and work vigorously to develop and implement policies, plans, and actions designed to support national and international efforts to enhance the quality of the global environment;".

SEC. 2. PRESIDENT'S STRATEGY FOR ENVIRONMENTAL PROGRESS.

Section 201 of the National Environmental Policy Act (42 U.S.C. 4341) is amended to read as follows:

"SEC. 201. Not later than January 31 of each year, the President shall transmit to the Congress a report which—

"(1) describes the President's strategy for implementing the policy and objectives set forth in section 101 during that year;

"(2) describes areas of new or heightened environmental concern;

"(3) describes initiatives to strengthen and improve Federal environmental programs;

"(4) recommends priorities for national and international actions to protect the environment;

"(5) analyzes problems associated with the implementation of this Act and the effectiveness of measures specified in detailed statements of Federal agencies under section 102(2)(C) to mitigate the adverse environmental impacts of Federal actions; and

"(6) summarizes implementation of section 102(2)(C) during the previous year."

SEC. 3. REGULATORY AUTHORITY AND APPLICABILITY.

Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following new paragraph:

"(9) to promulgate regulations concerning implementation of the National Environmental Policy Act by all Federal agencies (including Federal independent regulatory commissions). Such regulations shall assure compliance with the statutory requirement for full consideration of the environmental impacts of proposed major Federal agency actions on geographic, oceanographic, and atmospheric areas within as well as beyond the jurisdiction of the United States and its territories and possessions, including the cumulative impacts of proposed Federal actions on global climate change, depletion of the ozone layer, transboundary pollution, loss of biological diversity and other international environmental impacts."

SEC. 4. REVIEW FUNCTIONS OF THE COUNCIL.

(a) ISSUANCE OF GUIDELINES FOR AGENCY REVIEW OF CERTAIN ENVIRONMENTAL IMPACT STATEMENTS.—Not later than 6 months after the date of the enactment of this Act, the Council on Environmental Quality (hereinafter in this Act referred to as the "Council") shall issue guidelines under which each Federal agency shall review a statistically significant sample of detailed statements prepared by the agency under section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) in which measures were specified to mitigate adverse environmental effects.

(b) CONTENT OF GUIDELINES.—Guidelines issued by the Council under subsection (a)—

(1) shall establish the timing and frequency of reviews to be conducted by agencies under the guidelines; and

(2) shall require that Federal agencies examine—

(A) the accuracy of predictions of adverse environmental effects which were included in such statements, including predictions of impacts on fish and wildlife populations and habitats;

(B) the extent to which measures specified in statements under section 102(2)(C) of the National Environmental Policy Act to mitigate adverse environmental effects were implemented; and

(C) the effectiveness of those implemented mitigation measures.

(c) AGENCY REVIEWS.—Each Federal agency shall carry out reviews in accordance with guidelines issued by the Council under this section, and shall promptly submit to the Council the results of those reviews.

(d) SUMMARY OF RESULTS IN ANNUAL COUNCIL REPORT.—The Council shall include a summary of the results of the reviews carried out by Federal agencies under this section in the annual report of the Council transmitted to the Congress under section 201 of the National Environmental Policy Act (42 U.S.C. 4341).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended by adding at the end thereof following:

"(e) $1,000,000 for each of the fiscal years 1989 and 1990, and $1,500,000 for each of the fiscal years 1991, 1992, and 1993."

SECTION-BY-SECTION ANALYSIS

SECTION 1. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CLARIFICATIONS

Sec. 1(a) amends Sec. 101(b) of NEPA to add a seventh environmental policy objective to the present six, to "provide world leadership in ensuring a healthy and stable global environment".

Sec. 1(b) amends Sec. 102(2)(C) of NEPA to:

Clarify the application of the environmental impact statement (EIS) process to major Federal actions "including extraterritorial actions" with exemptions for national security and intelligence activities, arms transfers and law enforcement activities.

Refine the present language in NEPA requiring inclusion of alternatives to proposed actions in environmental impact statements. The amendment clarifies the scope of alternatives to include those which would achieve the same or similar purpose of the proposed action including those that would mitigate adverse environmental effects.

Require specification within the EIS of the mitigation measures that will be taken if the proposed action is implemented.

Amends NEPA to require Federal agencies to consult with the public prior to preparing an EIS in addition to the current requirement for interagency consultation.

Sec. 1(c) strengthens Sec. 101(2) (F) of NEPA which sets forth the obligation of Federal agencies to promote protection and enhancement of the global environment.

SECTION 2. REVISED ANNUAL REPORT REQUIREMENTS

Sec. 2 replaces the current annual reporting provisions contained in Sec. 201 of NEPA with a requirement for an annual environmental strategy report to Congress. The amendment requires the President to report on the strategy for implementing the policies set forth in Sec. 101 of NEPA: identify new and emerging environmental issues; describe initiatives to strengthen environmental programs; recommend national and international environmental priorities; evaluate the effectiveness of mitigation measures specified in EIAs; and summarize EIS implementation during the previous year.

SECTION 3. REGULATORY AUTHORITY AND APPLICABILITY

Sec. 3 amends Sec. 204 of NEPA to provide an explicit statutory basis for regulations issued by CEQ and to define the applicability and scope of the regulations. Regulations are to include consideration of global impacts and are applicable to all Federal agencies and independent regulatory commissions.

SECTION 4. EIS REVIEW

Sec. 4 is freestanding. It requires CEO to issue guidelines within 6 months to enactment for each Federal agency to review a sample of the EISs they have prepared which included specific mitigation measures. Specific review criteria include the accuracy of predicted adverse environmental effects and the extent to which specified mitigation measures were implemented and the effectiveness of those measures. A summary of the reviews are to be included in the Council's annual report.

SECTION 5. AUTHORIZATION

Sec. 4 amends the Environmental Quality Improvement Act to extend authorizations for Office of Environmental Quality through fiscal year 1983. $1 million is authorized for each FY89 and FY90. The authorization increases to $1.5 million in each FY91-FY93.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 10, 1989.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to direct the Council on Environmental Quality (CEQ) to go forward with its plan to require federal agencies to consider the impact of their actions on global warming. As you may know, this proposal was rejected during the last days of the previous Administration.

Global warming, otherwise referred to as the greenhouse effect, is perhaps the most serious and far-reaching environmental problem we face in the world today. We believe it is not only desirable, but necessary under the law, for federal agencies to consider this problem when preparing the environmental assessments and impact statements required by the National Environmental Policy Act.

The importance of the CEQ proposal has been illustrated in testimony both before the Council and the Congress that federal agencies have regularly ignored the need to consider the impact of their actions on global warming. This is true even with re-

spect to actions that have a clear effect on that phenomenon, such as those dealing with the production and conservation of energy resources.

The United States is the largest national and per capita source of the gases that contribute to the greenhouse effect. We cannot expect others to cooperate with us in dealing with this problem if we do not act decisively ourselves. Your acceptance of the CEQ proposal would be a dramatic first step towards demonstrating strong international leadership by the United States on global environmental issues.

We are pleased by the statements Secretary of State Baker has made identifying global warming as an international issue of grave importance. We have been troubled in the past, however, by a gap between general statements of intent and concrete action on the part of U.S. officials on this subject. We urge you to move beyond rhetoric to action, and to direct the CEQ to establish binding guidelines for federal agencies to ensure their full participation in the effort to combat global climate change.

With kind regards.

Sincerely,

Walter B. Jones, Chairman, Committee on Merchant Marine and Fisheries; Robert W. Davis, Ranking Minority Member, Committee on Merchant Marine and Fisheries; John H. Chafee, Ranking Minority Member, Senate Subcommittee on Environmental Protection; Frank R. Lautenberg, Chairman, Senate Subcommittee on Superfund and Environmental Oversight; Les AuCoin, Member, House Committee on Appropriations.

Gerry L. Studds, Chairman, Subcommittee on Fisheries and Wildlife Conservation and the Environment; Patrick J. Leahy, Chairman, Senate Committee on Agriculture, Nutrition, and Forestry; John Kerry, Member, Senate Committee on Commerce, Science, and Transportation; Al Gore, Chairman, Senate Subcommittee on Science, Technology, and Space; Max Baucus, Chairman, Senate Subcommittee on Hazardous Wastes and Toxic Substances.

THE SECRETARY OF THE TREASURY,
Washington, DC, March 1, 1989.

MR. BARBER B. CONABLE,
President, The World Bank,
Washington, DC.

DEAR BARBER: Access to information about the World Bank's projects and programs has become an important issue for environmental and poverty groups in the United States, Canada, and other countries.

In my remarks at the Development Committee Meeting in Berlin last September, I indicated that public access to such information needed to be improved. The FY 1989 Appropriations Committee Conference Report said that public access to MDB documents has been unnecessarily restrained. The conferees directed the Secretary of the Treasury to make the relevant Bank documents available to the public if MDB policies have not been reformed by September 30, 1989. The report specifically requested access to documents that "underlie or carry out country development plans, describe the design of proposed projects, and evaluate the effectiveness of completed projects."

As you know, the Minister of Finance of Canada has proposed a four-point program to enhance support for sustainable development. As part of that proposal, the Government of Canada has asked for disclosure of more information about the environmental aspects of World Bank loans and has held discussions with other member governments about how this might be done.

Treasury staff have raised this issue with members of your staff. We have also discussed it with representatives from other member governments. There is general agreement that the issue needs to be addressed and various proposals are now being considered.

We strongly recommend that the Bank consider ways that environmental information on specific projects may be made publicly available on a regular basis, well in advance of Board review. The Bank should also consider how to make available after Board consideration environmental analyses contained in Board documents.

I hope that the World Bank will consider providing more information on Bank operations to the public in order to promote wider understanding of its role and activities.

Sincerely,

NICHOLAS F. BRADY.●

By Mr. BOND (for himself and Mr. DANFORTH):

S. 1090. A bill to provide for the addition of certain parcels to the Harry S Truman National Historic Site in the State of Missouri; to the Committee on Energy and Natural Resources.

ADDITIONS TO HARRY S TRUMAN NATIONAL HISTORIC SITE

● Mr. BOND. Mr. President, Senator DANFORTH and I are introducing legislation today which will expand and preserve the Harry S Truman National Historic Site. Currently, the only building on the site is the home where Harry Truman spent most of his adult life. Our legislation would authorize the National Park Service to buy, or accept as donations, three historically significant houses adjacent to the former President's residence. The bill authorizes the modest amount of $250,000 should the Park Service have to purchase any or all of the houses.

One of the houses belong to the President's aunt, Margaret Noland, and her family. He often visited her when he was young and stayed with her and her family when he was courting his future wife, Bess Wallace. Bess lived just across the street, in the house which eventually became the Truman's home.

The other two houses belonged to Frank and George Wallace, Bess' brothers. They built them next to the Truman home and George's wife, May, still resides in one of them. The Trumans and the Wallaces were very close and the three houses are a vital part of what Harry Truman called "home."

Adding these three properties to the Truman Historic Site will not only aid us in understanding the life of our 33d President, it will also serve the very important purpose of preserving the historical integrity of the Truman home itself. Last year, the National Park Service identified this site as one of several national historic landmarks threatened by significant changes in the character of the surrounding neighborhood. The Park Service report recommended that additional measures be taken, such as the purchase of adjacent, historically related properties, in order to preserve the site. This is just what our legislation would do.

Congressman ALAN WHEAT has introduced this measure in the House. It is supported by the Missouri congressional delegation, the Department of the Interior, and the Truman family. Senator DANFORTH and I encourage our colleagues to support the legislation as well.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROPERTY ACQUISITION.

(a) NOLAND/HAUKENBERRY HOUSE AND WALLACE HOMES.—The first section of the Act entitled "An Act to establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes", approved May 23, 1983 (97 Stat. 193), is amended—

(1) by striking "That," and inserting "That (a)"; and

(2) by adding at the end the following:

"(b)(1) The Secretary is further authorized to acquire by any means set forth in subsection (a) the real properties commonly referred to as—

"(A) the Noland/Haukenberry house and associated lands on Delaware Street in the city of Independence, Missouri, and

"(B) the Frank G. Wallace house and the George P. Wallace house, and associated lands, both on Truman Road in the city of Independence, Missouri.

"(2) The owners of property referred to in paragraph (1) on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for a term of up to and including 25 years or in lieu thereof, for a term ending at the death of the owner or the spouse of the owner, whichever is later. The owner shall elect the term to be reserved.

"(3) Unless a property acquired pursuant to this subsection is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on the date, of the right retained by the owner under paragraph (2).".

(b) TECHNICAL AMENDMENT.—The first sentence of section 2 of such Act is amended by striking "subsection (a)" and inserting "the first section of this Act".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 3 of such Act is amended—

(1) by inserting before the period at the end thereof ", except for subsection (b) of the first section of this Act"; and

(2) by adding at the end the following: "There is authorized to be appropriated $250,000 to carry out subsection (b) of the first section of this Act.".●

By Mr. GRAHAM:

S. 1091. A bill to provide for the striking of medals in commemoration of the bicentennial of the United States Coast Guard; to the Committee on Banking, Housing, and Urban Affairs.

BICENTENNIAL OF THE U.S. COAST GUARD

● Mr. GRAHAM. Mr. President, today I am introducing legislation that will authorize the design, striking, and selling of a commemorative medal honoring the bicentennial of the U.S. Coast Guard in 1990.

Since the founding of its forerunner, the Revenue Cutter Service, in 1790, the Coast Guard has provided continuous service by defending and preserving our maritime environment. Over the years, its mission has grown to include rescue service, maintenance of navigation aids, security for ports and harbors, inspection and certification of the maritime industry, protection of the maritime environment, and drug-law enforcement. These duties have been diligently performed by the dedicated men and women who serve as members of the Coast Guard.

The gallantry of these men and women is reflected in their service to this country in the wars and conflicts we have faced. From the early conflicts of a young nation through the world wars and hostilities in Korea, Vietnam, and Grenada, the Coast Guard has been there. In every instance, the Coast Guard has served alongside the other branches of our Armed Forces.

One need only look to history to see that the members of the Coast Guard have answered this country's call bravely and professionally. During World War II, Coastguardsman Douglas Munro earned the Congressional Medal of Honor at the cost of his own life. His efforts led to the successful extraction of trapped marines from Guadacanal. During the D-Day invasion at Normandy, Coast Guard patrol craft were responsible for saving over 1,000 allied troops whose landing crafts never made it to the beaches. Throughout the war, Coast Guard cutters escorted convoys and protected coastal shipping and installations. The Coast Guard sent 11 German submarines to the bottom when the allies were fighting for survival in the battle of the Atlantic. More recently, during the Korea and Vietnam conflicts, members of the Coast Guard performed their duties admirably in hostile situations.

As history reveals, the Coast Guard is an integral part of our Armed Forces. It is, however, unique in that its peacetime mission is just as vital to our Nation's welfare as its military role. The crucial responsibility of aiding the national defense does not overshadow the myriad of duties which the Coast Guard undertakes daily. Men and women of the Coast Guard are serving our maritime needs daily, and those services are providing a safer and more secure environment for the mariners using our Nation's waters.

Of particular importance is the Coast Guard's role in our Nation's ongoing war on drugs. The service is presently the lead Federal agency in drug interdiction. The men and women of the Coast Guard risk their lives daily policing our shores and protecting us from the import of illegal drugs. So vital is this role, Adm. Paul Yost has named it a top priority since becoming Commandant of the Coast Guard in 1986.

It is, therefore, only fitting that we in the Congress acknowledge the commitment and dedication of the Coast Guard by authorizing the striking of a national medal commemorating its August 4, 1990 bicentennial.

The commemorative medals shall be sold at a price sufficient to cover the cost of such medals, including labor, materials, dies, use of machinery, and overhead expenses. They will be produced at no cost to the U.S. Government.

I urge my colleagues to join me in supporting the passage of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Coast Guard Bicentennial Medal Act".

SEC. 2. MEDAL COMMEMORATING THE BICENTENNIAL OF THE UNITED STATES COAST GUARD

(a) COMMEMORATIVE MEDAL.—The Secretary of the Treasury shall design, strike, and sell a medal in commemoration of the bicentennial of the United States Coast Guard in 1990.

(b) SALES.—Medals struck pursuant to subsection (a) shall be sold at a price sufficient to cover the cost of such medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 3. DESIGN OF MEDAL.

The design of the medal authorized by this Act shall be selected by the Secretary of the Treasury after consultation with the Secretary of Transportation and the Commission of Fine Arts.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.●

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, and Mr. MATSUNAGA):

S. 1092. A bill to amend title 38, United States Code, to implement certain recommendations of the Commission on Veterans' Education Policy improvements concerning work-study allowances, institutional reporting fees, and distinctions in degree and nondegree training; and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' EDUCATION POLICY IMPROVEMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing along with the committee's ranking minority member, Mr. MURKOWSKI, and my good friend from Hawaii, Mr. MATSUNAGA, S. 1092, the proposed Veterans' Education Improvements Act of 1989, legislation to implement certain recommendations, with revisions in certain cases, of the Commission on Veterans' Education Policy [CVEP] established under section 320 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (Public Law 99-576), which I coauthored with then-Chairman FRANK MURKOWSKI.

Many of these changes have been endorsed specifically or in concept by the Secretary of Veterans' Affairs in his April 24 report on the Commission's report and recommendations. Where that is not the case, VA comments have been fully taken into account.

SUMMARY OF PROVISIONS

This measure would:

First, allow VA work-study student allowances to be based on the higher of the Federal hourly minimum wage or the applicable State hourly minimum wage—rather than simply the Federal minimum as under current law.

Second, expand eligibility for VA's work-study program to include students training under the (chapter 35) program of educational assistance for certain dependents and survivors of service disabled veterans.

Third, include students training under the (chapter 31) program of rehabilitation services for veterans with service-connected disabilities in the count of those on whose behalf the reporting fee is paid.

Fourth, eliminate the differences in the attendance requirements for "degree" and "non-degree" training.

Fifth, repeal the anachronistic limit on the number of changes of educational program permitted and institute an education or vocational counseling requirement for each change of program beyond the first change.

Sixth, provide the Secretary of Veterans' Affairs with the discretionary authority under all VA-administered educational assistance programs to require monthly student self-verification of training for both degree and nondegree training for all rates of training.

Seventh, specify that "mitigating circumstances"—which excuse a veteran from repayment of part of the benefits received for a course from which the veteran withdrew—include difficulties beyond the control of the equible veteran in making or changing child-care arrangements.

Eighth, provide that the effective date of adjustments in educational benefits based on a change in the amount of a student's measure of training time be the date of the change rather than, as under current law, the end of the month in which the change occurs.

Ninth, modify the criteria for determining waiver or applicability of both the "2-year" rule and the "85-15" rule for certain course provided under contract with the Department of Defense to take into account individuals training under the (chapter 106 of title 10) educational assistance program for members of the Selected Reserve of the Ready Reserve, and make such students eligible for VA's work-study program.

BACKGROUND

Mr. President, as I have indicated, the purpose of this bill is to implement various recommendations made by the CVEP, as revised in certain cases.

The CVEP, which is made up of 11 members, including the chairman of the Secretary of Veterans' Affairs' Advisory Committee on Education, my very close friend and adviser, Oliver Meadows, was charged with the responsibility of looking into matters relating to the sound administration of all VA educational assistance programs and making recommendations on how to improve the overall effectiveness and simplicity of their administration. In this regard, I have long believed that the working relationship between VA and our Nation's educational institutions must be a cooperative and interdependent "partnership" to serve the best interests of veterans, service members, and eligible persons as well as the educational institutions themselves in assisting program participants to reach their educational or vocational goals. And that is what the CVEP's work really is all about.

I applaud each Commission member for their outstanding contributions under the very fine leadership of the chairman, Janet D. Steiger. Janet Steiger is a distinguished public servant who took on this arduous and not particularly career-enhancing responsibility when urged to do so by myself and VA officials, and she has carried off her responsibilities, as we had expected, with good judgment and good grace and with a firm hand on the tiller, and done so at considerable personal sacrifice. We all wish her well in her responsibilities as Chairman of the Federal Trade Commission.

I also applaud and congratulate the Executive Director, Babette V. Polzer, for her excellent work and sensitivity on this project. I am very proud of Babette's fine accomplishments here following her work as a staff adviser to me for 12 years in the areas of employment, poverty, childrens' issues and veterans' education, employment, home-loan, and other benefits. She has distinguished herself with her dedication to sound public policy in this demanding post. I want to take special note of the many contributions made to the Commission's work by two Commission members: my constituent Bertie Rowland, a past president of the National Association of Veterans' Programs Administrators; and my good friend and trusted adviser, Jack Wickes, who served as an associate counsel on the Veterans' Affairs Committee as well as on my Subcommittee on Children and Human Development on the Labor Committee.

I also want to acknowledge the many career professionals in the Veterans' Benefits Administration of the Department of Veterans Affairs [VA] for the excellent cooperation and valuable assistance they provided to the Commission in the conduct of its work.

Mr. President, in formulating this measure I have carefully considered the views expressed in the CVEP's August 29, 1988, report entitled "Veterans' Education Policy" (S. Prt. 100-125, September 22, 1988), as well as VA's February 28, 1989, "Interim Report on Veterans' Education Policy", which was transmitted to the committee by Secretary Derwinski on April 24, 1989.

Mr. President, I ask unanimous consent that copies of the summaries of these reports be printed in the RECORD at the conclusion of my remarks.

Although the CVEP's views on VA's interim report are not required to be submitted to the Secretary and the Veterans' Affairs Committees until late July, I believe there are several CVEP recommendations on which the Congress can act now, particularly in regard to the effective administration of the Montgomery GI bill, under which enrollments are growing daily. VA projects that almost 200,000 veterans, reservists, and service members will use the Montgomery GI bill in fiscal year 1990.

VETERAN-STUDENTS WORK-STUDY ALLOWANCE INCREASE

Mr. President, section 2 of the bill would amend section 1685 of title 38, United States Code, to require work-study allowances to be based on the higher of the Federal hourly minimum wage or the applicable State hourly minimum wage in which the veteran-student services are provided. Page 4 of the CVEP executive summary and pages 168 through 172 of the CVEP report urge that VA's work-study program be overhauled to provide for a flexible progressive payment scale that could be used to attract and retain quality work-study students, especially in high-cost-of-living areas. However, VA concluded on page 96 of its April interim report that the equity sought by the Commission could be gained by basing the work-study payments on the higher of the Federal wage or the applicable State minimum wage in the case of the 12 States in which such a wage is higher, including California where it is $4.25. I believe VA's approach to be a cost-effective one that can be readily implemented while further thought is given to CVEP's more ambitious position.

MAKE SURVIVORS, DEPENDENTS, AND SELECTED RESERVISTS ELIGIBLE FOR VA WORK-STUDY ALLOWANCES

Mr. President, sections 3 and 10(b), respectively, of the bill would add a new section 1737 in title 38 and amend section 1685 of title 38 and section 2136(b) of title 10 to expand eligibility for VA's work-study program to include service-connected disabled veterans' dependents and survivors pursuing educational programs under chapter 35 of title 38 and members of the Selected Reserve of the Ready Reserve pursuing training with educational assistance under chapter 106 of title 10. As the CVEP points out on page 4 of its executive summary and page 172 of its report, this recommendation would achieve consistency among the educational assistance programs and increase the number of individuals who could participate, without changing the current priority for the participation of service-connected disabled veterans in the work-study program. VA, on page 95 of its April interim report, takes no position on the proposal to include chapter 106 trainees in work-study eligibility, and does not support expanding eligibility for VA's work-study program to individuals training under chapter 35.

INCLUDE CHAPTER 31 IN REPORTING-FEE PROVISION

Mr. President, as recommended on page 3 of the CVEP report's executive summary, section 4 of the bill would amend section 1784 of title 38 to include veterans pursuing training under the chapter 31 program of rehabilitation for those with service-connected disabilities in the count of those on whose behalf VA pays institutions a fee to defray the costs of submitting reports and certifications of the enrollment of students pursuing training with VA assistance. The CVEP properly points out, on page 140 of its report, that service-connected disabled veterans frequently require the provision of services and assistance by the educational institution beyond those usually provided to other veterans. I note that, although VA generally pays to the chapter 31 participant's educational institution a "book handling" fee

equal to 10 percent of the cost of the veteran student's books and supplies, at many schools the bookstore operates as a "concession" activity, totally independent of the institution. In those cases, the institution is not the recipient of the "book handling" fee and cannot apply these funds to the provision of services to chapter 31 students. VA, on page 76 of its Interim Report states that it will consider the Commission's recommendation.

REMOVE ATTENDANCE-REQUIREMENT DIFFERENCES BETWEEN DEGREE AND NONDEGREE TRAINING

Mr. President, section 5 of the bill would amend sections 1674, 1724, 1775(b), and 1780(a) of title 38 to eliminate the differences in attendance requirements "absence reporting" that exist between degree and nondegree training, as recommended by the CVEP on page 2 of its executive summary and discussed on pages 102 through 113 of its report, and as proposed by VA on pages 45 through 47 of its April interim report.

REPLACING CHANGES-OF-PROGRAM LIMITATION WITH COUNSELING REQUIREMENT

Mr. President, section 6 of the bill would amend section 1791 of title 38, as recommended in concept on page 1 of the CVEP executive summary and discussed on pages 83 through 88 of its report, so as (a) to repeal the limit on the number of changes of educational programs that a VA assisted student is permitted to make, and (b) to require VA to approve a second or subsequent program change only if the individual accepts educational or vocational counseling services and VA finds that the change suits the individual's aptitudes, interests, and abilities.

Under current law, section 1791(c), a third or subsequent change is permitted only if VA determines that it is "necessitated by circumstances beyond the control of the eligible veteran or person."

VA data show that during 1988 only 2.79 percent of all trainees had a change of program beyond an initial change. Thus, I believe there is little justification for the administratively cumbersome, judgmental, and time-consuming process that VA adjudicators must carry out in administering current section 1791(c) of title 38 in regard to granting, or not granting, a third or subsequent change of program to a veteran or eligible person.

Likewise, I see no need to put a veteran at risk of being denied the use of VA benefits when the veteran seeks to make such a subsequent change to a program that is suitable for him or her.

The overwhelming majority of those who would be affected by this recommendation would be chapter 30 and 32 participants who, in fact, have made a financial investment in order to acquire eligibility. Page 23 of VA's April Interim Report recommends that counseling be provided for changes of program beyond an initial change and does not concur with the Commission's position to abolish the limit on the number of changes of program an otherwise eligible person may take.

AUTHORIZE MONTHLY SELF-CERTIFICATION

Mr. President, section 7 of the bill would amend section 1781 of title 38, as recommended on page 1 of the CVEP executive summary and discussed on pages 76 through 82 of the report, to provide the Secretary with the authority under all VA-administered educational assistance programs to require monthly self-certification verifying pursuit of training, as requirement for receipt of benefits, for both degree and nondegree training and for all rates of training, including training on less than a half-time basis. This requirement is currently made only under the chapter 30 program—the Montgomery GI bill. This approach should help to avoid the large-scale overpayment problems that were experienced during the administration of the Vietnam-era educational assistance program.

WITHDRAWAL FROM COURSE DUE TO CHILD-CARE DIFFICULTIES

Mr. President, section 8 of the bill would amend section 1780 of title 38, as recommended on pages 2 and 3 of the CVEP executive summary, and discussed on pages 124 through 128 of the report, to provide that mitigating circumstances—which excuse one who has withdrawn from a course from repaying the benefits paid for the period during which the course was pursued—include difficulties beyond the control of the eligible veteran or person in making or changing child-care arrangements.

VA on page 66 of its April Interim Report, supports the Commission's recommendations through a change in regulations—38 C.F.R. 21.7020(b)(19).

CHANGE THE EFFECTIVE DATE OF ADJUSTMENTS OF EDUCATIONAL BENEFITS

Mr. President, section 9 of the bill would amend section 3013 of title 38, as recommended on page 1 of the CVEP executive summary and discussed on pages 76 through 82 of the report, to provide that the effective date of an educational benefits adjustment based on a change in a student's course load or other change in aggregate training time would be the date of the change rather than, as under current law, the end of the month in which the change occurs. VA, on page 14 of its interim report, states that it agrees with the premise of this recommendation, and in connection with the results of the chapter 30 self-certification study—which it will complete this September—will consider initiating procedures to propose legislative action as well as regulatory change to reflect this policy.

INCLUDE CHAPTER 106 PROGRAM IN THE WAIVER OF "85-15" AND "2-YEAR" RULES

Mr. President, section 10 of the bill would amend section 1789(B)(6)(b) of title 38, as recommended on page 4 of the CVEP executive summary and discussed on pages 161 through 165 of the report, to modify the criteria for determining the applicability and waivers of both the "2-year" rules and the "85-15" rule for certain courses provided under contract with the Department of Defense to take into account individuals training under chapter 106 of title 10. VA, as stated on page 93 of its report, agrees with the Commission's recommendation and has already initiated discussions with the Department of Defense on this matter.

CONCLUSION

Mr. President, I urge my colleagues to support this legislation. I also want to note that a number of issues—including one dealing with VA "course measurement" policy—are still under discussion between VA and the CVEP, and I look forward to recommendations in this regard in the Commission's final report this summer.

In closing, I want to say a special word of thanks to Darryl Kehrer, who, so ably assisted by Erin McGrath, labored so long and hard to put this bill together and analyze the Commission's report after serving as an ex officio member of the Commission on my behalf for the last several years.

I ask unanimous consent that the text of the bill be printed in the RECORD followed by the materials to which I previously referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Education Policy Improvements Act".

(b) REFERENCES TO TITLE 38.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. VETERAN-STUDENT SERVICES.

(a) CRITERIA FOR DETERMINING WORK-STUDY ALLOWANCE.—Section 1685(a) is amended—

(1) in the second sentence, by striking out "the hourly minimum wage" and all that follows through "(29 U.S.C. 206(a))" and inserting in lieu thereof "the applicable hourly minimum wage";

(2) in the fourth sentence, by striking out "the hourly minimum wage" and all that follows through "performed" and inserting in lieu thereof "the applicable hourly minimum wage";

(3) by inserting "(1)" after "(a)"; and

(4) by adding at the end the following new paragraph:

"(2) For the purposes of paragraph (1) of this subsection, the term 'applicable hourly minimum wage' means the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) or the hourly minimum wage under comparable law of the State in which the services are to be performed, whichever is higher.".

(b) CONFORMING AMENDMENT.—Section 1685(b) is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a)(1)".

SEC. 3. SURVIVORS' AND DEPENDENTS' WORK-STUDY ALLOWANCE.

(a) IN GENERAL.—Subchapter IV of chapter 35 is amended by inserting after section 1736 the following new section:

"§ 1737. Work-study allowance

"(a) Subject to subsection (b) of this section, the Secretary shall utilize, in connection with the activities described in section 1685(a) of this title, the services of any eligible person who is pursuing, in a State, a full-time program of education (other than a course of special restorative training) and shall pay to such person an additional educational assistance allowance (hereafter in this section referred to as 'work-study allowance') in return for such eligible person's agreement to perform such services. The amount of the work-study allowance shall be determined in accordance with section 1685(a) of this title.

"(b) The Secretary's utilization of, and payment of a work-study allowance for, the services of an eligible person pursuant to subsection (a) of this section shall be subject to the same requirements, terms, and conditions as are set out in section 1685 of this title with regard to veteran-students pursuing full-time programs of education referred to in subsection (b) of such section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 1736 the following new item:

"1737. Work-study allowance.".

SEC. 4. REPORTING FEES.

Section 1784 is amended—

(1) in subsection (a)(1), by striking out "chapter 34" and inserting in lieu thereof "chapter 31, 34,";

(2) in subsection (b), by striking out "chapters 34" and inserting in lieu thereof "chapters 31, 34"; and

(3) in subsection (c), by striking out "chapter 34" each place it appears and inserting in lieu thereof "chapter 31, 34,".

SEC. 5. REMOVAL OF ATTENDANCE REQUIREMENT DISTINCTIONS BETWEEN DEGREE AND NONDEGREE TRAINING.

(a) UNSATISFACTORY ATTENDANCE.—(1) Section 1674 is amended by striking out "conduct" each place it appears and inserting in lieu thereof "attendance, conduct,".

(2) Section 1724 is amended by striking out "conduct" each place it appears and inserting in lieu thereof "attendance, conduct,".

(b) APPROVAL OF ACCREDITED COURSES WITHOUT ATTENDANCE STANDARDS.—Section 1775(b) is amended by inserting "if the educational institution does not have a formal policy or regulations specifying minimum satisfactory attendance standards required for a student to avoid interruption of a course, loss of credit, or dismissal" before the end parenthesis in the first sentence.

(c) PAYMENT PERIOD.—Section 1780(a) is amended—

(1) in clause (1), by striking out "which leads to" and all that follows through "title," the first time it appears and inserting in lieu thereof "approved pursuant to section 1775 of this title";

(2) by striking out clause (2) and inserting in lieu thereof the following:

"(2) to any eligible veteran or eligible person enrolled in a course approved pursuant to section 1776 of this title for any period for which the Secretary finds, pursuant to section 1674 or 1724 of this title, that such veteran's or person's attendance, conduct, or progress is unsatisfactory or that such veteran or person is not pursuing that course in accordance with (A) the provisions of such regulations as the Secretary may prescribe pursuant to subsection (g) of this section, and (B) the requirements of this chapter or of chapter 34 or 35 of this title;";

(3) in subclause (A) of the matter following clause (5), by striking out ", and such periods" and all that follows through "subsection"; and

(4) in subclauses (B) and (C) of the matter following clause (5), by striking out ", but such periods" and all that follows through "subsection" each place it appears.

(d) CONFORMING AMENDMENT.—Section 1785(b) is amended by striking out "excessive absences from a course, or".

SEC. 6. CHANGES OF PROGRAMS OF EDUCATION.

(a) REPEAL OF LIMITATION ON NUMBER OF CHANGES.—(1) Section 1791(a) is amended by striking out "Except" and all that follows through "education, but" and inserting in lieu thereof "An eligible veteran and an eligible person may make a change of program of education pursued by such veteran or person, as the case may be, if the change is approved by the Secretary. Except as provided in subsections (b) and (c) of this section,".

(2) Section 1791 is amended—

(A) in subsection (b), by striking out the matter above clause (1) and inserting in lieu thereof "The Secretary may approve any change in program (including any change in the case of a veteran or person not entitled to make a change under subsection (a) of this section) if the Secretary finds—"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The Secretary may also approve any change of program of education if the Secretary finds such change is necessitated by circumstances beyond the control of the eligible veteran or eligible person.".

(b) COUNSELING REQUIREMENT.—(1) Section 1791(b)(1) is amended by inserting ", determined, in the case of each change after the eligible veteran's or eligible person's first change, as provided in subsection (d) of this section" after "abilities".

(2) Section 1791 is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection (d):

"(d) The Secretary may approve a second or subsequent change of program of education by an eligible veteran or eligible person only if—

"(1) the veteran or person accepts educational or vocational counseling services referred to in section 1663 of this title; and

"(2) the Secretary determines, on the basis of the results of the educational or vocational counseling, that the change is suited to the veteran's or person's aptitudes, interests, and abilities.".

SEC. 7. PROOF OF SATISFACTORY PURSUIT OF A PROGRAM OF EDUCATION.

(a) WITHHOLDING OF BENEFITS; FORM OF PROOF.—Section 1780(g) is amended by striking out "the Administrator is authorized" in the second sentence and inserting in lieu thereof "the Secretary may withhold payment of benefits to such eligible veteran or eligible person until the required proof is received and the amount of the payment is appropriately adjusted. The Secretary may accept such veteran's or person's monthly certification of enrollment in and satisfactory pursuit of such veteran's or person's program as sufficient proof of the certified matters.".

(b) TECHNICAL AMENDMENT.—Section 1780(g) is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(c) CONFORMING AMENDMENTS.—Section 1434 is amended—

(1) in subsection (a)(1), by striking out "1780(g),";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 8. WITHDRAWAL FROM COURSE UNDER MITIGATING CIRCUMSTANCES.

Section 1780 is amended by adding at the end the following new subsection:

"(h) Mitigating circumstances referred to in subsection (a)(4) include the suspension of the pursuit of a program of education by an eligible veteran or eligible person in order for such veteran or person personally to furnish child care for the veteran's or person's child if the necessity for personally furnishing such child care results from difficulties, beyond the control of such veteran or person, in making or changing child-care arrangements.".

SEC. 9. EFFECTIVE DATE OF ADJUSTMENTS OF EDUCATIONAL BENEFITS.

Section 3013 is amended to read as follows:

(1) by striking out "Effective" and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, effective"; and

(2) by adding at the end the following new subsection:

"(b) The effective date of an adjustment of benefits under any provision of law referred to in subsection (a) of this section, if made on the basis of a change in a student's rate of pursuit of training or other change in a student's training time, shall be the date of the change.".

SEC. 10. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION OF SELECTED RESERVE EDUCATIONAL ASSISTANCE.

(a) APPROVAL OF COURSES.—Section 1789(b)(6)(B) is amended by inserting "and members of the Selected Reserve of the Ready Reserve eligible for educational assistance under chapter 106 of title 10" after "dependents".

(b) ELIGIBILITY TO PERFORM VETERAN-STUDENT SERVICES.—(1) Section 1685(b) is amended by inserting "or under chapter 106 of title 10" before the period at the end of the first sentence.

(2) Section 1685 is amended by adding at the end the following new subsection:

"(e) For the purposes of this section, the terms 'veteran' and 'veteran-student' include a person receiving educational assistance under chapter 106 of title 10.".

(3) Section 2136(b) of title 10, United States Code, is amended by striking out "and 1683" and inserting in lieu thereof "1683, and 1685".

SEC. 11. EFFECTIVE DATES AND APPLICABILITY.

(a) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(2) The amendments made by section 2 of this Act shall take effect on January 1, 1990.

(b) APPLICABILITY.—The amendments made by section 5 of this Act shall apply with respect to enrollments and reenrollments on or after the date of the enactment of this Act.

COMMISSION TO ASSESS VETERANS' EDUCATION POLICY SUMMARY OF RECOMMENDATIONS

BENEFIT-DELIVERY SYSTEM STRUCTURE

Adopt in the long run a consolidated-region approach to the processing of all education programs (to include adjudication and processing of all benefits and approval and compliance functions) to be located in a handful of large regions and retaining only an "education ombudsman" capacity (having direct-line responsibility flowing through the education program) in each of the 58 regional offices. Ombudsman pay and grade level should be commensurate with the responsibility to maintain liaison with institutions, students, reserve units, and others, and to undertake problem solving and trouble shooting as required.

CERTIFICATIONS AND REPORTS: EFFECTIVE DATES

Provide authority under all chapters to require monthly self-certification verifying pursuit of training with a bar to benefits without it for both degree and non-degree training for all rates of training (including training on less than a half-time basis), as is now being implemented under chapter 30.

Following an analysis of the effectiveness of these certifications in obtaining timely and accurate reports of changes in training status, consider modification of the requirement that institutions report changes in status within 30 days of the date of the event to a requirement that these changes be reported within 30 days of the date on which the institution has knowledge of the event.

Make adjustments in benefits in all chapters that are required because of changes in training time effective on the date of the actual event, rather than at the end of the month in which the change occurs.

CHANGES OF PROGRAM LIMITATIONS

Abolish the limit on the number of changes of program (retaining restrictions for failure to progress).

Institute a counseling requirement for changes of program beyond an initial change.

COMPLIANCE SURVEYS AND SUPERVISORY VISITS

Monitor by exception by permitting the VA to target schools for compliance survey audits based on factors outside the norm.

Require resources of the State approving agencies to be concentrated on schools where assistance is needed or problems exist in lieu of the requirement that annual visits be made to all active institutions.

Re-model compliance surveys and SAA supervisory visits to create problem-resolution and training opportunities, recognizing that such an approach would improve administration of benefits and recognize strengths as well as weaknesses during the feed-back process.

Give special attention and assistance to institutions having a turnover in staff that are responsible for administering GI Bill benefits.

COUNSELING AND SUPPORT SERVICES TO VETERANS

Counseling and associated support services be provided on an "upfront" basis to individuals seeking to use GI Bill benefits, as well as on a continuing basis as needed or requested.

DEBT RECOVERY AND FRAUDULENT CLAIMS

The VA continue determined initiatives to facilitate aggressive and timely efforts to recover overpayments of educational assistance benefits.

Adequate resources and personnel be made available to the VA for this purpose.

Other Federal agencies (such as the Department of Justice, the Department of the Treasury, the Department of Education, and the Department of Defense) be required to cooperate in these efforts.

DISTINCTIONS BETWEEN NON-COLLEGE DEGREE AND DEGREE TRAINING

Remove arbitrary distinctions in the treatment of degree and NCD programs.

MEASUREMENT

Determine rate of benefits based on progress toward an educational, vocational, or professional goal through an approved program of study, shifting concern from the mode of delivery to concern about progress in attaining the objective.

Eliminate Standard Class Sessions as a measurement criterion and measure all programs that include classroom instruction by industry standard "units" (credit or clock hours depending on the institution's standard).

Permit independent and other non-traditional modes of study (defined as those not requiring regularly scheduled contact with an instructor in a classroom setting) without discrimination but limit it within the student's overall program to a maximum of ten percent of the total length of the program.

Offer an alternative payment schedule based on 75 percent of the otherwise applicable rate for certain programs not meeting the criteria of the "full-time pursuit" concept, such as those offered entirely through independent study, thus recognizing to a greater degree the effort required and the rate of pursuit towards a goal.

Rely on State approving agencies to determine what constitutes an approved program leading to an educational, vocational, or professional goal or objective.

MITIGATING CIRCUMSTANCES

Modify the "mitigating circumstances" policy to permit students to withdraw without penalty from a course or courses up to a specified limit with a non-punitive grade without producing mitigating circumstances for the withdrawal.

Specify that "mitigating circumstances" may include child care difficulties.

PUBLICATIONS

Make available on a regular basis up-to-date publications such as newsletters and manuals designed to assist institutions in administering benefits.

Rewrite the chapters of title 38, USC, pertaining to educational assistance programs (and as necessary other provisions of law) to provide for better organization, clarity, readability, and understanding (particularly in view of the termination of the chapter 34 program on December 31, 1989).

REMEDIAL, DEFICIENCY, AND REFRESHER TRAINING

Make available GI Bill benefits for remedial, deficiency, and refresher training under all of the various educational assistance programs, including the programs established by the Hostage Relief Act (HRA) and the Omnibus Diplomatic Security Antiterrorism Act, as well as the chapters 30 and 106 and sections 901 and 903 programs.

Resolve the issue of the charge to entitlement for this type of training in a consistent manner. Based on the precedent established by the chapter 34 program, the Commission believes that there should be no charge to entitlement for benefits paid for this pursuit.

If a nine-month limitation on refresher training is incorporated in the Montgomery GI Bill programs, an identical limitation should be added to the other chapters for consistency.

REPORTING FEES

Increase the amount of reporting fees paid on an annual basis.

Provide that the amount of the fee be based on a scale, rather than a head count. For example, schools who have 5 or fewer eligibles enrolled would be paid "X", schools with 6 to 25 eligibles enrolled would be paid "Y", and so forth.

Include chapter 31 trainees in the count of those on whose behalf the fee is paid.

RESTORATION OF PAY REDUCTIONS UNDER CERTAIN CIRCUMSTANCES

Permit the restoration of pay reductions as a death benefit and in certain other limited circumstances.

ROLE OF CONTINUING EDUCATION

Make approvals of continuing education courses consistent with the stated principle of the GI Bill that programs of education must lead to an educational, vocational, or professional goal.

STANDARDIZATION

Standardize the different features of the various veterans' education programs to the maximum extent possible, consistent with their design and purpose.

TRAINING AND ASSOCIATED ADMINISTRATIVE RESOURCES

Sufficient resources be made available to carry out regular training sessions of all those involved in the administration of GI Bill benefits.

Enhanced computer capabilities (with emphasis on an on-line facilities file) be made a priority within the VA.

Staffing and other resource allocation decisions take into account the reality of an increasing educational assistance caseload.

VA work-measurement criteria reflect the non-paper aspect of the administration of benefits, the need to enhance morale, and the provision of personal attention.

2-YEAR RULE, STANDARDS OF PROGRESS AND THE "85-15 RULE"

Reaffirm the provisions of title 38 that have been effective in encouraging appropriate use of GI Bill benefits, such as the 2-year rule, standards of progress criteria, and the "85-15 rule".

Apply these provisions across the board to all the programs of educational assistance administered by the VA.

Incorporate into the criteria for determining waiver or applicability of both the 2-year rule and the "85-15 rule" those individuals training under the chapter 106 program.

VALUE OF HOME STUDY COURSES

No finding was made by the Commission on this issue.

WORK-STUDY PROGRAM

Overhaul the VA's work-study program to provide for a flexible progressive payment scale that could be used to attract and retain quality work-study students, especially in high-cost areas.

Expand eligibility for the VA's work-study program to individuals training under the chapter 35 and the chapter 106 programs.

AN INTERIM REPORT ON VETERANS' EDUCATION POLICY

EXECUTIVE SUMMARY

There are 19 issues with various recommendations proposed by the Commission to which this interim report responds. The VA is in general agreement with the main ideas of each. However, we have reservations about some of the specifics on several issues. We believe that some of the Commission's recommendations require further study.

At this time, the VA is studying the feasibility of a consolidated-region approach for the procession of all education claims as suggested by the Commission. Monthly self-certification by veterans is also currently under review, pending the results of the Chapter 30 test. The VA agrees in principle with removing arbitrary distinctions between non-college degree and degree training as well as standardization of the various education programs to the extent possible and will study these matters further. We have included, however, proposed draft legislative language to eliminate the absence reporting for non-college degree training.

We note that legislation has already been enacted implementing several of the Commission's recommendations. These include, for the most part, the proposals regarding compliance surveys and supervisory visits, mitigating circumstances, remedial, deficiency, and refresher training, and the restoration of pay reductions under certain circumstances.

The VA is in full agreement with the Commission regarding counseling and support services to veterans, debt recovery and fraudulent claims, the role of continuing education, training and associated administrative resources, and retention of the two-year rule, standards of progress, and the "85-15 rule." We are also in agreement with the principles relating to better publications and communications given available resources.

The Commission's position regarding the removal of limitations on changes of program causes us concern, but we support a requirement for counseling after an initial change. We agree to study the feasibility of including Chapter 31 trainees in the count for reporting fee purposes. We also urge further study regarding a scale approach.

The VA does not support the inclusion of Chapter 35 trainees in the work-study program or the Commission's scale approach proposal for work-study benefits.

The VA agrees with the Commission that the current measurement system is unwieldly. However, we do not support the recommendation made by the Commission. We have presented alternative proposals for consideration by the Commission to possibly eliminate the distinctions made against non-traditional modes of study, to measure programs according to the rate of pursuit without regard to the mode of delivery or to standard class sessions, and to tighten restrictions on contracting out of instruction.

While we are in general agreement with a number of the recommendations of the Commission, we are not in a position at the time of this interim report to initiate specific actions for some of them pending further study. In cooperation with the Commission, these other issues will continue to be reviewed as alternative considerations.

By Mr. ARMSTRONG:

S. 1093. A bill to accord refugee status to certain nationals of Nicaragua who are outside Nicaragua and unwilling to return, and for other purposes; to the Committee on the Judiciary.

NICARAGUAN REFUGEE EQUITY ACT

● Mr. ARMSTRONG. Mr. President, I introduce today the Nicaraguan Refugee Equity Act of 1989. This act allows us in the United States, particularly those of us in the Congress of the United States, to take responsibility for the hardship of thousands of people now fleeing to this country as desperate refugees—hardship we played a major role in creating.

I think there will be little question as to why this act is necessary. The newspapers and broadcast media are full of the reports of the tremendous influx of Nicaraguan refugees pouring across our border. These new refugees are swelling the already sizable Nicaraguan communities in some cities, such as Miami's, with 75,000 to 125,000 persons [Washington Times, February 13, 1989, page A8].

But, as one paper observed: "Immigration specialists have noted a serious demoralization among the latest wave of Nicaraguans." Most of the arrivals, the specialists said, see the possibility now more remote than ever that the resistance forces will one day unseat the Soviet-backed Nicaraguan Government. A turning point in that perception, they all agreed, was Congress' vote a year ago cutting off all U.S. military aid to the democratic troops. [Washington Times, February 2, 1989, page A8].

Our responsibility here is clear, Mr. President. I will go into further detail in a minute, about just how we became responsible. But first let me spell out what this act does and doesn't do.

The major provision, section 3, paragraph (a) grants refugee status under the immigration law to "any national of Nicaragua who is outside Nicaragua and is unwilling to return to Nicaragua * * * until such time as the President certifies to the President of the Senate and the Speaker of the House of Representatives that democratic government exists in Nicaragua."

This does not, however, apply to criminals, drug traffickers, or others who are currently ineligible to enter the United States under the exclusions contained in current law.

In addition, Mr. President, I have written to Attorney General Thornburgh and to INS Commissioner Nelson, asking them to renew the practice of providing extended voluntary departure [EVD] status to Nicaraguan refugees. This should be done whether or not the act I am introducing now is adopted.

Now I understand the objections some will have to this. Some will say correctly, that giving EVD status will probably encourage more refugees to come here, because they will be able to live and work fairly normally while having their status assessed. It will also be said, that if individual refugees are able to demonstrate, under current law, "a well-founded fear of persecution," regardless of country of origin, they can stay—so we don't need a blanket extension of refugee status.

Here I must disagree. No doubt there is a mix of motivations in what brings Nicaraguans here as refugees as opposed to, say, Salvadorans. It can be argued that there is violence in both countries, poverty in both, so there shouldn't be a major distinction made. These Nicaraguans, we are told, are just "economic refugees," like the illegal immigrants from numerous other countries.

But there are differences. El Salvador is a democracy. There may be violence, but there is political recourse in the democratic process. In Nicaragua, despite democratic promise upon promise made by the Sandinistas since 1979, there is none.

Yes, there is poverty in El Salvador as well as in Nicaragua. But there is not the total, methodical Communist destruction of people's livelihood, as there is in Nicaragua. El Salvador, the most densely populated country on the American mainland, has long produced a large share of illegal immigration to the United States. Nicaragua, until 1979, was always one of the economically better off countries in the region, with a much lower influx into this country. Now that has all changed.

And the change—and I cannot emphasize this too strongly—is our fault, to a very great degree. We have helped the Salvadorans establish their democracy, and I hope the day will not come when we will turn and betray them, as we have the Nicaraguans, so that some special relief would be appropriate there as well. But there can be no questions that in 1979, the United States, with our eyes open, played the deciding role in a course of events in Nicaragua that has led to the current state of affairs. For us to now shrug our collective shoulders—and look away—would be the height of hypocrisy and inhumanity.

Mr. President, the historic record is clear, as noted in the "Findings and Purpose" contained in the act, section 1. In 1979, the United States, in concert with other member states of the Organization of American States, assumed a major responsibility for the democratic aspirations of the people of Nicaragua. We encouraged, assisted, and supported the democratic insur-

gency, led militarily by the Sandinista Party, against the dictatorship of Anastasio Somoza.

This assistance was predicated on the Sandinista party's promises of democracy, human rights, nonalignment, and a mixed economy. We accepted these assurances at face value, despite indications that the Sandinistas were actually hard-core Communist with no intention of keeping their promises.

But many in Congress wanted to believe them. The new Nicaraguan Government, said one House Member in September 1979, has undertaken "a solemn international commitment to respect all fundamental human rights common to all democratic nations of our hemisphere: freedom of the individual, of the press, of religion, and of all others * * *. I believe the commitment to respect human rights that Nicaragua has shown deserves our recognition and support." When this statement was made, Cuban advisers were already in Managua, hundreds of Nicaraguan children were in Cuba for political training, the FMLN Salvadoran Communists were setting up shop in Managua, and the secret police-controlled block committees had begun to operate.

Again, as stated in the "Findings" section of this act—since 1979, in reaction to the violation of these promises by the Sandinistas, we repeatedly reassured and encouraged democratic elements in Nicaragua, both in the armed and civil resistance movements. We promised continued American support for democracy against the Sandinista Party's efforts to construct a totalitarian Communist state patterned on, and in alliance with, the Soviet Union, Cuba, and other Communist states.

Accordingly, the United States on several occasions extended material assistance, both military and nonmilitary, to the democratic resistance forces. But we never seemed to be able to make up our mind whether we intended to help them achieve democracy or not. Throughout our pattern of on-again, off-again aid to the democratic forces, many in Congress showed themselves more than willing to leave the Nicaraguans in the lurch whenever the Sandinistas made a new round of false promises.

Meanwhile, the Soviets and Cubans didn't waste words: they acted. While the United States Congress flip-flopped on a yearly basis on help to the democrats, the Soviet-bloc military aid poured into the Sandinista war machine: $10 million in 1980, $160 million in 1981, $140 million in 1982, $250 million in 1983, $370 million in 1984, $250 million in 1985, $550 million in 1986, $500 million in 1987, and $515 million in 1988. At the same time, the size of the Sandinista armed forces went from 6,000 in July of 1979, when the Sandinistas took over, to some 80,000 today. [State Department].

Despite our inconsistency, however, the view of America as the champion of freedom dies hard. Along with material assistance, there were over the years numerous positive assurances given by authorities of the executive and legislative branches of the Government of the United States. Over and over again, we encouraged the people of Nicaragua to place their hope and trust in the United States in the effort to recover freedom and democracy in their country.

But last year, this hope and trust in the United States by the people of Nicaragua was cruelly dashed by the Congress. Perhaps for the last time, we refused to continue military assistance to the democratic resistance. We cut off aid in the face of continued Communist repression by the Sandinista Party, violation of repeated promises of democratic reforms, and massive military support provided by the Soviet Union, Cuba, and other Communist states.

What motivated the cut-off? Well, we wanted to "give peace a chance." When authorization for the 1986 military package of $100 million expired in March 1988, aid ended and has not been renewed.

Said one Senator in February 1988:

> Lay bare the intentions of the Sandinistas, lay bare their intentions to the world. They either provide pluralism, democratization, and amnesty or they will have invited the unanimous ostracization of North America and Central America alike, as well as our allies in Europe * * *.

At the same time, another Senator said:

> I recognize that the Central America peace process could unravel—that the Sandinistas could break their promises. We should provide a fair test of the Sandinistas' commitment to the peace initiative—rather than providing them with excuses for failure.

And said another Senator:

> By opposing further aid for the resistance forces we would pose a direct challenge to the comandantes in Managua—will you choose the path of democracy for your country or will you choose repression?

Well, they chose repression. Their intentions were laid bare. They were provided a fair test and they failed it. Apart from the most obvious necessity—the reopening of La Prensa, which continues to publish whenever the Soviet ships come in with newsprint supplies—the Sandinistas held their ground. Demonstrations were met with police attack dogs and cattle prods, Salvadoran guerrillas received surface-to-air missile training and an offer of 10,000 rifles from the Sandinista Interior Ministry—including United States-made M-16's, care of Vietnam—and in March 1988 the Sandinistas launched their unsuccessful "Triumph or Death" offensive against resistance camps in Honduras.

So now the chickens are coming home to roost—or more precisely, the people we betrayed are coming to roost in the United States. As a result of decisions made by the Congress of the United States, we now see hordes of Nicaraguan refugees flocking to this country. And now we tell them: tough luck.

No, Mr. President, this is not right. The United States owes an obligation of relief and refuge to these people, based on past American actions. We helped impose and perpetuate the rule of the Sandinista Party in Nicaragua. We raised false hopes that the United States would help Nicaragua gain freedom and democracy.

This is not going to be cheap or easy. Certainly, it would have been far cheaper and easier to have given the resistance what they needed to achieve a democratic Nicaragua, but we didn't do that. But because we didn't we should not now expect these helpless people pay the price of our unfaithfulness.●

By Mr. BUMPERS (for himself, Mr. KENNEDY, and Mr. HATCH):

S. 1094. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the Secretary of Health and Human Services to determine the appropriate regulatory classification of transitional devices covered by the Medical Device Amendments of 1976, and for other purposes; to the Committee on Labor and Human Resources.

CLASSIFICATION OF TRANSITIONAL DEVICES AMENDMENTS ACT

● Mr. BUMPERS. Mr. President, I am pleased to introduce an amendment to the Food, Drug and Cosmetic Act which will accomplish three very important things.

First, it will permit some of FDA's very scarce resources to be redirected to more pressing areas of public concern. Secondly, it will ease the burden on many small businesses whose products are regulated by FDA. They are presently being forced to meet artifically high regulatory costs. The problem has been especially hard for the small manufacturers of contact lenses.

Finally, this bill will result in increased competition, decreased costs, an increase in employment, and will allow small contact lens firms to participate in the world market.

This legislation would direct the FDA to determine the appropriate regulatory classification for certain medical devices known as transitional devices. This is long overdue. When the Medical Device Amendments of 1976 were enacted, these devices automatically fell into class III—the highest and most expensive level of regulation. The expectation was that they would be assigned to their proper regulatory classes in due course. The name itself, "transitional," implies a temporary status.

But 13 years of experience has shown that assignment of these "transitional" devices to their proper level of regulation has been difficult and cumbersome. This bill, accordingly, provides a straightforward mechanism directing the FDA to compare each of these devices with the statutory definitions for classes I, II, and III and assign the devices accordingly.

The need to reclassify the commonplace rigid gas permeable [RGP] daily wear contact lens is especially acute. This lens is the mainstay of the small contact lens manufacturing industry in the United States. In no other country are rigid contact lenses subjected to anything like the level of control imposed here. These regulatory costs and delays have threatened the existence of many small companies and the livelihood of their employees. Furthermore, the present situation wastes valuable FDA resources in reviewing needless applications to market essentially innocuous devices. The FDA has more important things to do. We cannot tolerate continued diversion of its energies to unproductive tasks.

The bill I am introducing today is substantially identical to S. 1808 which I introduced in the last Congress with the cosponsorship of Mr. KENNEDY, Mr. HATCH and a number of other colleagues. The bill was reported favorably by the Committee on Labor and Human Resources. The Department of Health and Human Services write that it had no objections to this bill and that it might permit FDA resources to be shifted to other activities with high public health payoff. The Senate adopted my amendment to the fiscal year 1989 Agricultural Appropriations bill to reclassify contact lens, but unfortunately it was dropped in conference.

Recently, the FDA had to respond to a sudden emergency involving fruit distributed throughout the country that could have been tampered with. FDA Commissioner Young told our appropriations subcommittee that over 400 FDA staff had to be pressed into service to meet this crisis. Unfortunately, emergencies like this are not going to go away—if anything, they are becoming more common.

We can no longer afford the luxury—if that's what it is—of having FDA's efforts wasted on activities that are unproductive in terms of protecting the public health, and anticompetitive and damaging to small business in the bargain. I invite the support of all my colleagues for this beneficial bill, and ask unanimous consent that the full text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Classification of Transitional Devices Amendments Act of 1989."

SEC. 2. REQUIREMENT TO DETERMINE THE APPROPRIATE REGULATORY CLASSIFICATION OF THE TRANSITIONAL DEVICES OF THE MEDICAL DEVICE AMENDMENTS OF 1976.

(a) IN GENERAL.—Section 520(l)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(1)(2)) is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) Not later than 90 days after the date of enactment of the Classification of Transitional Devices Amendments Act of 1989, the Secretary shall publish a notice in the Federal Register with respect to devices that are subject to regulation pursuant to this subsection. The notice shall state whether each device shall remain in class III or be reviewed for classification into class I or II. The notice shall also require the manufacturer of a device that the Secretary intends to classify into class I or II to submit to the Secretary a description of and citation to any adverse safety and effectiveness information not submitted under section 519. The Secretary may require a manufacturer to submit the adverse and effectiveness information for which a description and citation were submitted to the Secretary.

"(ii) After the issuance of the notice under clause (i), and following consultation with appropriate advisory panels in accordance with subsections (b) through (d) of section 513, but before the expiration of 1 year after the date of enactment of the Classification of Transitional Devices Amendments Act of 1989, the Secretary shall publish a proposed regulation in the Federal Register classifying each such device into class I or II, or providng that each such device shall remain in class III. The data furnished by manufacturers, pursuant to clause (i), in combination with the advice dnd recommendation of appropriate advisory panels shall, for purposes of this Act, serve as a basis for satisfying the criteria set forth in subclauses (I) or II) of section 513(a)(1)(C)(ii), and shall serve as a basis for the proposed regulation required under this subparagraph.

"(iii) Following a review of comments received on the proposed regulation issued pursuant to clause (ii), and before the expiration of the 1-year referred to in clause (ii), the Secretary shall promulgate a final regulation prescribing the classification of all devices presently regulated under this subsection. No regulation issued under this subparagraph requiring a device to remain in class III or classifying such a device in class I or II may take effect before the expiration of 90 days from the date of its publication in the Federal Register.

"(iv) The Secretary may by notice in the Federal Register extend the 1-year period prescribed by clauses (ii) and (iii) for a device for an additional period not to exceed 1 year.

"(v) Notwithstanding any other provision of this subsection, the Secretary shall not retain any daily wear nonhydrophilic plastic contact lens in class III unless the Secretary finds that it meets the criteria set forth in subclauses (I) or (II) of section 513(a)(1)(C)(ii). Any such finding, and the grounds therefore, shall be published in the Federal Register. If during the 1-year period beginning on the date of enactment of the Classification of Transitional Devices Amendments Act of 1989, the Secretary has not made the finding and issued the notice required by this clause, the Secretary shall issue an order placing such lens in class II.

"(vi) Actions taken under this subparagraph shall not interfere with any pending reclassification action. Any device for which a reclassification petition was pending on January 1, 1989, shall not be included in the list published under clause (i).".

(b) CONFORMING AMENDMENT.—Section 520(l)(1) of such Act is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (2)(A)".●

● Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of this legislation. A previous version was voted favorably from the Labor and Human Resources Committee in the last Congress. The Secretary of Health and Human Services, in his letter to me, said the bill could "make it easier for the FDA to 'down-classify' some devices that may be inappropriately, and therefore wastefully, regulated as class III devices."

This legislation provides a practical means for the assignment of the so-called "transitional" medical devices to their appropriate levels of control. In so doing, it will free up FDA resources for the regulation of products which present greater risk to the public health. We have been concerned for some time over the increasing demands on FDA's resources. We will be asked to consider a number of means—including the imposition of so-called user fees—to provide additional resources to this key agency. At the same time, we must eliminate wasteful and anticompetitive regulation. I join in asking for support for this important bill.●

By Mr. GLENN:

S. 1095. A bill concerning mixed ortho/para toluene sulfonomide; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON MIXED ORTHO/PARA TOLUENE SULFONOMIDE

● Mr. GLENN. Mr. President, I am introducing this legislation to suspend temporarily the duty on mixed ortho/para toluene sulfonomide for imports occurring between January 1, 1989 and December 31, 1992. This legislation is noncontroversial and should be acceptable to the Senate as part of the miscellaneous tariff bill.

At present, mixed ortho/para toluene sulfonomide is classified under "Products Chiefly Used as Plasticizers"—TSUS 409.3450—and is subject to the relatively high duty of 13.5 percent ad valorum. It is used in the United States primarily as a plasticizer in the production of various commercial products including fluorescent pigments, decorative laminates, brake

bands, composition wallboards, adhesives, and coating formulations.

Its principal products, however, are fluorescent pigments and decorative laminates. The former is used in this country in virtually any type of product which requires colorization: paints, inks, printing inks, coated fabrics, plastics, felt tip markers and wax crayons. Decorative laminates are used in a multitude of American industries to produce furniture, paneling, counter tops, and vanities.

There is no commercial production of mixed ortho/para toluene sulfonomide in the United States. For many years the Monsanto Co. of St. Louis manufactured it, but Monsanto ceased production in 1985. As a result, domestic users of this raw material today have to rely on foreign sources to meet their considerable needs.

In the past, domestic users were able to minimize this problem by purchasing most of their requirements of the mixed ortho/para toluene sulfonomide duty free from South Korea and Taiwan under the Generalized System of Preferences [GSP] Program. However, these countries lost their GSP eligibility on January 2, 1989. Since then domestic users have been forced to pay duty on all imports of ortho/para toluene sulfonomide because there are no other GSP-eligible suppliers of the product. This has increased domestic users' production costs and reduced their competitiveness in both foreign and domestic markets.

Increasingly, foreign fluorescent pigment manufacturers have been penetrating the U.S. market because of their raw material price advantages. These foreign competitors are based in the countries where mixed ortho/para toluene sulfonomide is produced, or they are able to buy it duty free or at a substantially lower rate than applies to the United States. This trend is likely to continue because finished fluorescent materials enter this market at a duty rate of only 3.1 percent ad valorem.

Given domestic users' reliance on foreign sources of mixed ortho/para toluene sulfonomide, the continued imposition of a high tariff on this chemical is damaging to U.S. industry. It will greatly increase the manufacturing costs of U.S. companies that use it and places them at a competitive disadvantage in both foreign and domestic markets for the finished products derived from this raw material. Since much of these finished products are sold right here in the United States, it is the American consumers who will bear the consequences.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MIXED ORTHO/PARA TOLUENE SULFONOMIDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.07	Mixed ortho/para toluene sulfonomide (provided for in subheading 2935.00.47).	Free	No change	No change	12/31/92".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of enactment of this Act, any entry of an article described in heading 9902.30.07 of the Harmonized Tariff Schedule of the United States (as added by this Act) that was made—

(1) after December 31, 1988, and

(2) on or before the date that is 15 days after the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.●

By Mr. NICKLES (for himself and Mr. BOREN):

S. 1096. A bill to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission; to the Select Committee on Indian Affairs.

USE AND DISTRIBUTION OF CERTAIN INDIAN CLAIMS FUNDS

● Mr. NICKLES. Mr. President, I am introducing legislation today on behalf of the Seminole Nation of Oklahoma to provide for the use and distribution of funds previously awarded the Seminole Tribe.

On April 27, 1976, the Indian Claims Commission awarded the Seminole Tribe, which consists of members in Florida and Oklahoma, $16,000,000 for Florida lands taken by the federal government in 1823. On June 1, 1976, Congress appropriated funds to cover this award (90 Stat. 579).

The bill I am introducing today would provide for the use and distribution of these judgment funds, now totaling over $45,000,000, between the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Florida, and the unaffiliated Seminoles of Florida.

In 1857, the Seminole Tribe was split when the U.S. Government removed the majority of the tribe to Indian territory, which is now the great State of Oklahoma. According to historical records, there were 3,436 Seminoles.

In an effort to reach an ageement on the division of the funds between the Florida factions and the Oklahoma Seminoles, the parties met in March 1988 in Memphis. Although a tentative agreement had been reached between the tribal chairmen to split the funds 70 to 30 percent, the Council of the Florida Seminoles rejected the offer. They insisted that the funds be split 50-50.

This offer has been unacceptable to the Oklahoma Seminoles who contend that the division should be based on the historical population which would indicate a division of 96.08 percent for the Oklahoma group and 3.92 percent for the Florida group. The Bureau of Indian Affairs has monitored the situation, and has agreed that the split of the funds should be based upon historical population counts.

Mr. President, while I have been reluctant to introduce legislation to settle this problem without an agreement between the two tribes, it is apparent to me that Congress is going to have to step in and dictate an appropriate division. The 75- to 25-percent split is very reasonable and is rather generous to the Florida Seminoles.

I might also add that while the Florida Seminoles have been doing rather well economically, the Oklahoma Seminoles have not been so fortunate. Unemployment is high and tribal resources are limited. Chief Edwin Tanyon has made great strides in helping to move the tribe forward and the release of these judgment funds would allow him to pursue further economic development and provide much needed jobs and a boost to the Oklahoma economy.

In light of the circumstances, I ask that the Senate Indian Affairs Committee consider this legislation in a timely fashion and that it be approved by the Senate as soon as possible.●

● Mr. BOREN. Mr. President, I am very pleased today to join my colleague from Oklahoma, Senator NICKLES, in offering this legislation providing for the use and distribution of funds to benefit the Seminole Nation and the different tribes that are affiliated with it. These funds were awarded to the Seminoles as the result of a 1976 decision by the Indian's Claims Commission in Dockets 73, 73-A, and 151. In these dockets, $16 million was awarded to the Seminoles for lands taken by the U.S. Government in 1823. This money was appropriated by Congress on June 1, 1976, and has since ac-

crued interest and currently totals approximately $40 million.

Since 1976, the Oklahoma and Florida Seminole tribal leaders have tried to reach an agreement on the division of funds. Tentative agreements have been reached and then dissolved. When the funds are distributed, the tribes would submit to and receive approval from the Bureau of Indian Affairs on their plans for the use of the funds. This would allow the Secretary of the Interior to oversee and approve the distribution of the trust funds to the tribes.

Mr. President, the Oklahoma Seminoles are currently facing severe economic depression, as is our entire State. The tribal council has plans for disbursement of the funds designed to benefit the entire area of Seminole County. This has become a more timely issue because the Seminoles have waited almost 13 years for this money to be disbursed, and much longer than that for the decision to even be reached.

I would like to urge my friend Senator INOUYE, the chairman of the Select Committee on Indian Affairs, to hold hearings on this bill. With the support of the BIA, we believe that settling this award division would be an important step in improving the economic condition of the Seminole Nation as well as the State of Oklahoma. Chief Ed Tanyon, chief of the Seminole Nation of Oklahoma, has assured me that the economic development and tribal settlements that will be made will in fact benefit all the people in the communities of Wewoka and Seminole, as well as the surrounding areas.

Again, I am pleased to work with my colleague Senator NICKLES on this issue, and I urge prompt passage of this legislation to address the distribution of this $40 million award.●

By Mr. BRADLEY:

S. 1097. A bill to amend the Medicare Catastrophic Coverage Act of 1988 to extend the Advisory Committee on Medicare Home Health Care Claims; to the Committee on Finance.

EXTENSION OF ADVISORY COMMITTEE ON MEDICARE HOME HEALTH CARE CLAIMS

● Mr. BRADLEY. Mr. President, today I am introducing a bill to extend the Advisory Committee on Medicare Home Health Care Claims for 1 year until October 1, 1990. The committee was established by the Medicare Catastrophic Coverage Act of 1988 to study the increase in the denial of claims for home health care services during 1986 and 1987. An extension would allow the committee to evaluate the implementation of its recommendations and the effectiveness of changes in the claims denial process. It would also allow them to evaluate the implementation of Medicare's revised coverage policies for home health services. Because Congress, the administration, and several outside groups have worked hard to identify the problems and the strategies for their resolution, we need to follow through and make sure that our efforts over the last several years prove to be fruitful.

Mr. President, several years ago I held a hearing in New Jersey to find out from Medicare recipients and health care providers in our State how well the Medicare home health care programs were working. One message came through loud and clear: the Health Care Financing Administration [HCFA], through a variety of administrative mechanisms, had made it very difficult—and frequently impossible—for elderly patients to receive the home care services that they need and are entitled to under Medicare.

I have heard story after story from elderly New Jerseyans, many of whom are caring for even older parents, siblings, or spouses, about their frustrations with inconsistent and arbitrary rules governing who can receive home health care. Health care providers have reported the same stories of arbitrary and inconsistent treatment by HCFA. And statistics bear out what I have heard: in 1984, Medicare beneficiaries received over 40 million home health visits; in 1987, that number had decreased to 34 million. Given a growing elderly population, it is unlikely that the decrease was a result of decreased demand.

The ambiguity of home health care eligibility criteria is one of the main sources of inconsistency in HCFA's policy for covering home health care. For a beneficiary to be reimbursed under Medicare, he or she must be homebound and in need of skilled nursing care on an intermittent basis. HCFA's interpretation of these terms—particularly for homebound—created a great deal of confusion. In some cases HCFA denied coverage unless a Medicare beneficiary was actually bedbound.

There is some good news. Key provisions from the legislation I introduced, Medicare's Home Care Improvement Act, were included in the reconciliation bill of 1987. These provisions clarify the eligibility definitions and are included in the new Medicare coverage policy manual for home care services. The revised manual becomes effective on July 1, 1989.

We need to extend the life of the committee to be sure that the recommendations and new HCFA manual lead to greater consistency and fairness in Medicare's coverage policies. For the sake of the millions of elderly who rely on home health care services to achieve better health, it is imperative that the Medicare Program break with its history of restrictive and arbitrary coverage.●

By Mr. HEINZ:

S. 1098. A bill to provide financial assistance to raise the literacy skills of commercial drivers; to the Committee on Labor and Human Resources.

RELATING TO LITERACY SKILLS OF COMMERCIAL DRIVERS

● Mr. HEINZ. Mr. President, in 1986 Congress enacted the Commercial Motor Vehicle Safety Act. The law is intended to eliminate the practice of holding multiple drivers licenses which enable unsafe drivers to flimflam law enforcement by handing over whichever licenses has the fewest violations against it. Now, drivers who don't turn in multiple licenses face fines and possible imprisonment.

Another provision requires all drivers to obtain a commercial driver's license [CDL] by April 1992. Commercial vehicle operators must take both a written and driving skills test. Passing the driving test ought to be comparatively easy. Most drivers on the road today have excellent driving records and years of experience.

For some, however, getting through the written test will be a whole other story. I've seen a sample driver's manual. It will not be easy to master for those drivers without sharp literacy skills. Many of the older, experienced drivers have not read a test or taken a written test since high school. They need remedial literacy training. If they do not get it, we could lose the very experienced drivers we want in control of the big rigs that get our goods to market and vehicles that take our children to school.

For this reason, I am introducing a bill which amends the Adult Education Act to provide financial assistance to raise the literacy skills of commercial drivers. This bill provides $5 million over each of the next 2 years to help those drivers who need it. Eligible grantees include colleges and universities, approved apprentice programs, private employers, and unions.

Mr. President, we have all heard the regrettable reports concerning this Nation's illiteracy rate. The U.S. Department of Education estimates that the adult illiteracy rate is at least 13 percent—17 to 21 million people.

The commercial drivers who need literacy training earn a good living. They are making substantial contributions to the American economy. It is not right for them to lose their jobs because they could not pass a written test. They want to pass. They want to possess good reading skills.

I urge my colleagues to join me in helping to raise the literacy skills of these hard-working Americans. We can't afford to lose them. I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Part C of the Adult Education Act is amended by adding the following new section at the end thereof:

SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

"(a) PROGRAM, AUTHORIZED.—(1) The Secretary is authorized to make grants to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of commercial drivers which are necessary to successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(2) The Secretary shall reserve 30 percent of the amount appropriated pursuant to subsection (e) for grants to labor organizations the membership of which primarily consists of commercial drivers.

"(b) FEDERAL SHARE.—The Federal share of the costs of the adult education programs authorized in subsection (a) shall be 50 percent.

"(c) ELIGIBLE INDIVIDUALS.—Individuals eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers;

"(2) colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the membership of which includes commercial drivers.

"(5) Any other public or private organization the Secretary finds that would most efficiently educate commercial drivers.

"(d) DEFINITION.—The term 'commercial driver' means an individual required to possess a commercial driver's license under the Commercial Motor Vehicle Safety Act of 1986.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 1990 and 1991.".●

By Mr. HATCH:

S. 1099. A bill to amend the Labor Management Relations Act, 1947 to provide that the prohibition on an employer paying or lending money or anything of value to a labor organization shall not apply to payments made by the employer to an employee trust fund only if the detailed basis on which such payments are to be made is specified in a written agreement and the employer fully understands the essential terms of the agreement and each document incorporated into the agreement, and for other purposes; to the Committee on Labor and Human Resources.

PAYMENTS TO EMPLOYEE TRUST FUNDS

Mr. HATCH. Mr. President, I rise to introduce legislation designed to correct a defect in our Nation's labor laws that permits a union to coerce small- and medium-sized construction contractors into renewing union contracts against their will.

The effect of this bill would be to eliminate a practice whereby some union officials have misled smaller contractors into believing they will be exempted from certain benefit trust fund contributions if they contract with the union on construction projects. The bill would invalidate such contracts signed by the employer: First, unless the employer knows or has a reasonable basis for knowing the essential terms of the agreement and each document incorporated into the agreement; and second, if the employer has been induced into signing the agreement by misstatement or misrepresentation.

Mr. President, my bill has become necessary because some union officials have been selectively using an obscure trust fund contribution provision, coupled with section 302 of the Labor Management Relations Act, to hold small construction companies liable under agreements which they were misled into signing and whose terms they did not fully understand. The shakedown scheme works as follows:

A small construction company is hired as a subcontractor on a building site. Let's say the employees of this small company belong to the Laborers Union. While on the job, they perform maybe 1 or 2 hours a week of work that is within the jurisdiction of the Operating Engineers Union. The Operating Engineers go to the general contractor and complain. Worried about losing the work, the small subcontractor agrees to sign a bargaining agreement with the Operating Engineers to cover its employees for the 1 or 2 hours of work within that union's jurisdiction.

Now, here's the kicker. The small contractor is told that he will have to pay into the Operating Engineers' pension or benefit plan, but only for the hours its employees work as operating engineers. This is a relief because the contractor is already paying into the Laborers Union trust fund for the hours worked by its employees.

A year or two later, the Operating Engineers approach the small contractor and demand a new collective bargaining agreement. The contractor says "no" and suddenly finds himself sued by the Operating Engineers trust fund for all hours worked by the small contractor's employees, both as Laborers and Operating Engineers. "What about the promise you made me two years ago?" asks the small contractor. "It doesn't count," says the union now, "because it wasn't in writing. Sure, we misled you, but if we go to court, we will win." And, Mr. President, I fear that the union may be right.

Of half a dozen such cases that have come to my attention, the most glaring is *Operating Engineers Pension Trust* v. *Giorgi*, 788 F.2d 620 (9th Circuit, 1986). In my opinion, this case clearly demonstrates the manner in which union and trust fund representatives are using the "all hours worked" requirement to cover up common coercion of small employers.

Luigi Giorgi and his wife operated a small subcontractor business in the construction industry. Mr. Giorgi ran the business, Mrs. Giorgi kept the books, and Aaron F. Flores was their employee. On April 12, 1979, the Giorgi's company was working at a building site. The general contractor at the site had signed a collective bargaining agreement with Local 12 of the Operating Engineers Union. Union officials discovered that Mr. Flores was at the work site operating a skip loader, a task within the technical jurisdiction of the Operating Engineers.

The union notified the general contractor that Giorgi's company could not stay on the job site unless Mr. Giorgi signed a collective bargaining agreement with the Operating Engineers. Given the choice of signing a short form agreement or being thrown off the work site, Mr. Giorgi signed. Before doing so, however, Mr. Giorgi asked the union's business agent whether he would be required to contribute to the Operating Engineers trust fund for hours Mr. Flores worked as a laborer and was assured by that same business agent that he would be liable only for the hours Mr. Flores operated a skip loader.

The short form signed by Mr. Giorgi incorporated the master labor agreement between the Operating Engineers and the Southern California General Contractors. The master agreement authorizes the Labor Management Adjustment Board to interpret and enforce the master agreement.

In 1972, 7 years before Mr. Giorgi signed the agreement, the Adjustment Board adopted a resolution which provided:

> When an employee has been dispatched by the union to a contractor and the employee performs any work whatsoever covered by the agreement, the contractor shall be obligated to pay fringe benefit contributions to the trust at the required rate for *each and every hour worked by the employee or paid for by the contractor.*" (Emphasis added.)

The adjustment Board noted that an employee sometimes is a member of more than one union and may be dispatched by more than one union to the same job. The Adjustment Board stated that this practice conflicts with the intent of the collective bargaining agreement and that therefore:

> Any employee dispatched by the union under this agreement shall perform only work covered by this agreement, and fringe benefit contributions shall be payable *on all hours worked by such employee or paid for by the contractor.* (Emphasis added.)

For almost 2 years after signing the agreement, Mr. Giorgi paid some $9,500 to the Laborers' Union trust fund, relying upon the representation of the Operating Engineers' business agent. The master labor agreement, and the resolution of the Adjustment

Board, documents that would have advised Mr. Giorgi that he was required to pay the Operating Engineers even for the time Mr. Flores worked as a laborer—language agreed to 7 years before he signed the contract—were never presented to him. The union and the trust funds allowed Mr. Giorgi to rely on the representations of the local 12 agent. He thought the business agent's word was good.

On May 6, 1983, the Operating Engineers trusts filed an action to require Mr. Giorgi to contribute to the trusts for all of the hours Mr. Flores worked, not just as a skip loader but also for work performed as a laborer—even though Mr. Giorgi had already contributed to a pension plan for the hours Mr. Flores worked as a laborer.

The case went to trial. The U.S. District Court held that the oral agreement between Mr. Giorgi and the business agent was not enforceable. But the court, sensing the glaring inequities of this situation, attempted to fashion relief for Mr. Giorgi. It held that since Mr. Giorgi was not made aware of the Adjustment Board's 1972 resolutions, he was not bound by its requirements.

The U.S. Circuit Court of Appeals for the Ninth Circuit reversed the lower court. It held that Mr. Giorgi would be required to pay benefits to the Operating Engineers trusts for all the hours that Mr. Flores had worked, regardless of the misrepresentations of the union representative. The court followed its earlier decisions in *Waggoner* v. *Dallaire*, 649 F.2d 1362 (9th Cir. 1981), and *Maxwell* v. *Lucky Construction Company, Incorporated*, 710 F.2d 1395 (9th Cir. 1981), holding that the requirement of a written agreement found in section 302 of the Labor Management Relations Act (29 U.S.C. section 186) prohibited the consideration of oral agreements between an employer and a union representative when interpreting a collective bargaining agreement.

Circuit Judge Kozinski, however, in a concurring opinion, expressed "grave misgivings" about the logic of the court's opinion. He examined the court's ruling in light of the inequities presented by the facts of the case and, referring to section 302(c) he stated as follows:

> This is in the nature of a statute of frauds and appears to have been intended to avoid corrupt practices in the administration of employee welfare funds. [citation omitted] *It is quite a leap, however, from a provision requiring that agreements be in writing, to one that abrogates basic principals of contract law: mutual assent, estoppel, and fraud in the inducment.* [citation omitted]
>
> *While protecting trust funds from fraud is important, I cannot believe that the Congressional purpose is served by holding a tiny subcontractor to a massive contract, the contents of which he has never seen and as to which the union's representative has lied.* 788 F.2d at 624 (emphasis added).

Regarding the intentional nature of the fraud by the union and its representatives, Judge Kozinski stated:

> Once put on notice that its agents were misleading some employers, and many more employers were signing the short form agreement without fully appreciating its terms, what did Local 12 of the Operating Engineers do? Did it clarify the short form agreement? Did it provide copies of the master labor agreement and relevant orders of the Adjustment Board to signatory employers? Did it prepare a simple, concise summary of the key terms of the full contract and attach it to the short form agreement? Did it modify the short form agreement to disclaim any oral representations made by the union's business agent? As far as this record reflects the union has done none of these things. And why should it? After all, it can be confident that employers caught in the web of misstatement or misunderstandings spun by its agents will be without legal recourse, and that any employers foolish enough to resort to the court will have to bear the trust fund attorney's fees for defending the suit. *Id.* at 624-625.

Kozinski concluded:

> To reach this result requires, in my view, a very broad reading of a statutory provision that calls for nothing more than a written trust agreement, a provision intended to avoid fraud *on* the trust fund. I think the drafters of the legislation would be surprised to learn that it has been interpreted to sanction fraud *by* the trust fund. *Id.* at 625.

A more recent case in which the "all hours worked" clause has been used to extort a contractor is the case of *Operating Engineers Pension Trust, et al.* v. *Steve L. Gilbert, et al.*, which was settled out of court in September 1988, after a brief trial in the U.S. District Court for the District of Nevada.

Steve Gilbert is president of a small construction company, Gilbert Development Corp., which has offices in Utah and Nevada. Between 1978 and mid-1983, Mr. Gilbert maintained a contract with local 12 of the Operating Engineers Union on a construction job in Las Vegas. Occasionally Mr. Gilbert or his son Dale would move a piece of equipment in order to expedite the job. In 1979 both received written exemptions from making Operating Engineers trust fund contributions in their own behalf from the Operating Engineers. Three other employees had their benefits paid exclusively to the Operating Engineers. Eight others had their benefits paid to either the Teamsters or Laborers Union. Seven other employees were nonunion. Another employee had his benfits paid to both the Laborers Union and the Operating Engineers.

Trouble began after Mr. Gilbert refused to renew the contract with local 12 after its expiration on June 30, 1983. In December of that year, Mr. Gilbert was billed $6,500 for trust fund contributions for 1981 and 1982 for an employee who had occasionally moved construction equipment in 1981 but never in 1982. Although Mr. Gilbert stated in an affidavit filed in the lawsuit that he did not believe he owed the Operating Engineers any of this money, he decided to pay it rather than endure any more "harassment" from the union. Mr. Gilbert added a notation on the back of the check stating that its deposit would constitute full settlement of all claims made against him by the union for trust fund contributions earned to date. The union cashed the check. A short time later, however, the union began pressuring Mr. Gilbert to sign a new contract and, when he refused, the trustees of four Operating Engineers trust funds sued Mr. Gilbert for more than $1 million, including unpaid trust fund contributions, interest, audits, and attorney's fees.

A breakdown of the damages claimed by the trust funds showed them to be related to the same job activities that the union previously stated would be covered by the claim of $6,500. The claim included more than $100,000 in unpaid trust fund contributions and interest relating to Steve and Dale Gilbert, even though both had been specifically exempted from trust fund coverage in a local 12 memorandum dated August 3, 1979. The remainder of the $1 million claim covered work performed by the eight employees who had their benefits paid to either the Teamsters or Laborers trust funds, the nonunion employees, one Operating Engineer, the employees who had benefits paid to both the Laborers and Operating Engineers Unions, and an unknown employee, who, according to company records, had never worked on the job site at all.

Steve Gilbert, after an unsuccessful attempt to obtain assistance from the Federal Bureau of Investigation and the U.S. Department of Labor, settled the case in early September 1988 for an undisclosed amount believed to be in the range of $175,000 to $200,000. Mr. Gilbert's attorney told my staff that Mr. Gilbert still felt that he did not owe any of the money but had settled because he thought he would lose the case in view of the recent Ninth Circuit Court decisions in Giorgi and similar cases.

Gilbert Development was billed an arbitrary 40 hours a week for each employee, even though some had worked much less than that. Few, if any, of these employees had ever performed any Operating Engineers work and those who had—except for the one Operating Engineer—were said to have done little more than occassionally roll a piece of equipment out of the way.

Mr. President, we in Congress must move quickly to prevent further abuses of this sort by unscrupulous union officials. I do not believe that the Congress ever intended that section 302 (c)(5)(B) of the Labor Man-

agement Relations Act be used as a vehicle to hold employers liable under contracts which they were misled into signing and whose terms they did not fully understand. This bill would offer the needed protections. I urge its speedy approval.

By Mr. McCONNELL:

S. 1100. A bill to provide greater certainty in the availability and cost of liability insurance, to eliminate the abuses of the tort system, and for other purposes; to the Committee on the Judiciary.

LAWSUIT REFORM ACT

● Mr. McCONNELL. Mr. President, I am introducing legislation today that will put the brakes on the lawsuit crisis that is running amok in this country. My bill is called the Lawsuit Reform Act of 1989, because its purpose is to reform the "sue-for-a-million" mentality that has gripped our civil justice system.

This bill is not designed to help just the manufacturers or the doctors—it's designed to help everybody. As a result, my bill has the broadest base of support of any legislation ever introduced on this subject. Over 30 major organizations have announced their support of the Lawsuit Reform Act.

Many of these organizations represent hundreds of smaller groups and companies. Further, these organizations come from all across the spectrum: Volunteer organizations like the Boy Scouts, the Little League, and the American Red Cross; local government groups like the National League of Cities and the National Association of Counties; health care providers like the American Hospital Association and the American College of Nurse-Midwives; professional associations like the American Association of Engineering Societies and the American Institute of CPA's; education groups like the American Council on Education and National High School Athletic Coaches Association; law enforcement associations like the National Institute of Municipal Law Officers and the National Law Enforcement Council; and business organizations like the National Federation of Independent Business and the U.S. Chamber of Commerce.

All of these organizations, with their thousands of members and literally millions of people that they represent, are saying "enough!" of the lawsuit craze—it is time for a solution. And whether the rest of America knows it or not, everyone pays for the lawsuit lottery in our court system. The cost of lawsuits and lawyers is a part of everything we buy and use in society. I refer to this cost factor as the "lawyer's tax."

The lawyer's tax accounts for 95 percent of the cost of child vaccines—at a time when our infant mortality rate is becoming one of the worst among industrialized nations. The lawyer's tax accounts for a third of the cost of a stepladder. And it adds a surcharge of $300 on the bill that parents pay to have their baby delivered—if they can find a doctor willing to take the liability risk. The lawsuit craze also is one of the principal reasons behind the lack of business-sponsored on-site child care facilities.

It also is the reason why many high schools are getting rid of their chemistry labs—at a time when the need for America to stay competitive in the sciences is critical. In football—that uniquely American sport—the players' helmets are made in Korea. This is not because America can't make a better football helmet, but because no one can afford the risk of being sued.

Mr. President, the lawsuit crisis affects every one of us, at every stage of life. Just recently, a young lady couldn't go to the prom because her date had broken his ankle 5 days beforehand. So she did what any other red-blooded American would do in those circumstances: She sued her date for damages. To her credit, she at least did not ask for compensation for pain and suffering. This case is symbolic of a national trend—to hire a lawyer and go to court whenever anything goes wrong.

Fortunately, we can do something about the lawsuit craze—without limiting the right of injured people to receive fair compensation for their losses and suffering. My bill, the Lawsuit Reform Act, strikes a fair balance between the victims of wrongful injuries and the victims of wrongful lawsuits.

First, this bill would say that no one can be held liable for the wrongdoing of others. If a person is only marginally responsible for causing an injury, then their share of the damages ought to be proportional with their share of the responsibility for causing the injury.

Under today's law, a person who is only marginally at fault for causing an injury can end up paying all of the damages, under the doctrine of joint and several liability. My bill would abolish the joint and several liability doctrine once and for all.

Second, my bill provides that if you sue someone else and you lose, you have to pay the other side's attorneys' fees and court costs. The same rule applies if you are sued and you lose—you have to pay the plaintiff's costs and fees. This is the "English rule", although my bill is slightly different: It protects the right of truly indigent persons to bring suit, by exempting them from this provision altogether. It also limits the amount of the other side's expenses you have to pay to what you are paying for your own attorney and other costs.

With these changes, my "loser pays" provision will lessen the number of frivolous lawsuits and encourage people to settle out of court—without depriving anyone of full access to the courtroom.

The last critical area my bill addresses is alternative dispute resolution. With our court system becoming more clogged by the minute, we should be encouraging litigants to use alternative means of dispute resolution. My bill would require the lawyers on both sides of any lawsuit to inform their clients of these alternative methods of solving legal problems.

It would stipulate that if the parties voluntarily agreed to go through ADR instead of the courts, the decision of the alternative forum would be binding. They could not go back into the court system to get the ADR decision reversed. The main reason today why most people do not opt for ADR is because the decision is not binding—either side can appeal to the courts if they don't like the result. This legislation would make the result final if both sides voluntarily agreed to submit to ADR.

Mr. President, another issue my bill addresses is the problem of illegal drugs and alcohol, which causes many serious accidents every year. My bill provides that if a person was under the influence of illegal drugs or alcohol, and this condition was at least 50 percent responsible for any injury suffered by that person, the person shall not be allowed to get money from anyone else for their injury.

The Lawsuit Reform Act also alleviates the liability burden of local governments, by reducing their exposure to statutory lawsuits under title 42 of the United States Code. Although local governments would be subject to the same rules as everyone else in conventional tort suits, they would no longer be such sitting ducks for lawsuits brought under this Federal statute. At a time when the Federal Government looks to the States and counties to provide basic services, we should not be tying a noose of liability around their necks.

I have outlined what is in my bill. Also significant is what is not in my bill. There are no caps on damages for pain and suffering. There are no caps on attorney contingency fees. There are no restrictions on punitive damages, while we await the Supreme Court's decision on this issue. Finally, in a major departure from my past legislative efforts, there is no fault requirement in the Lawsuit Reform Act.

I had several reasons for this omission: First of all, fault or negligence already is required in nearly all tort actions, except product liability. Second, fault-based standards tend to be controversial, and I wanted to craft a reasonable bill, capable of getting bipartisan support. And finally, fault-based standards are being addressed in a separate product liability bill soon to be introduced.

Mr. President, the last issue I want to address is what I plan to do with the Lawsuit Reform Act after it is introduced. When we have amassed a reasonable number of cosponsors, I will add the bill as a nongermane amendment to some other legislation on the Senate floor. I did that last year, as an amendment to the risk notification bill, and without any prior planning or outside support, we picked up 39 votes for a similar lawsuit reform bill.

Mr. President, this year, we have a long-term strategy and a lot of support, and we intend to pass the Lawsuit Reform Act all the way through Congress, to provide relief to all Americans from the lawsuit crisis.●

By Mr. HELMS:

S. 1101. A bill to temporarily suspend the duty on N-[[(4-chlorophenyl)]amino]carbonyl]-2,6-difluorobenzamide; to the Committee on Finance.

S. 1102. A bill to temporarily suspend the duty on 2,6-dichlorobenzonitrile; to the Committee on Finance.

S. 1103. A bill to temporarily suspend the duty on 1-[1-((4-chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl]-1-H-imidazole; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

Mr. HELMS. Mr. President, today I am introducing three bills to suspend temporarily the duty currently imposed on Diflubenzuron, Dichlobenil, and Triflumizole. Similar bills have already been introduced in the House by Congresswoman NANCY JOHNSON (H.R. 1926, H.R. 1927, and H.R. 1928).

Mr. President, these three products are used by an important company in my State, Uniroyal Chemical Co., which operates a plant in Gastonia, NC.

The Uniroyal Co. has prepared a thorough description of each of the compounds and an analysis of their importance to our agriculture industry. I ask unanimous consent that these analyses be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM IN SUPPORT OF A TEMPORARY DUTY SUSPENSION

N-[[(4-chlorophenyl)amino]carbonyl]-2-6-difluorobenzamide

(Diflubenzuron)

I. INTRODUCTION

This memorandum outlines the principal factors which support favorable consideration of a bill to suspend, through December 31, 1994, the 13.5% ad valorem Customs duties on imported N-[[(4-cholorophenyl) amino]carbonyl]-2-4-difluorobenzamide (90%) and the 9.7% ad valorem duty plus $0.018/kg duty on N-[[4-chlorophenyl)-amino]carbonyl]-2,6-diflourobenzamide (25%) and inerts (75%) provided for under HTS subheadings 2929.90.10.00.3 and 3808.10.20.00.2 respectively. Both of these products are known by their trade name of diflubenzuron.

II. DESCRIPTION AND USES OF DIFLUBENZURON

The chemical, commonly known by its registered brand name "Dimilin," falls under two separate HTS subheadings depending on the percentage of basic chemical composition. N-[[(4-cholorophenyl)-amino]carbonyl]-2,6-difluorobenzamide (90%) or Dimilin Tech, is the pure product with only clay and other inerts present. N-[[(4-chlorophenyl)-amino]carbonyl]-2,6-difluorobenzamide (25%) is diluted with inerts (75%) to compose Uniroyal product Dimlin 25. Both products are registered trademarks of Uniroyal Chemical Company, Inc.

Dimilin was invented by Duphar B.V. of Holland who is the sole producer and holds the U.S. registration. Uniroyal Chemical Company has an exclusive agreement to market Dimilin in the U.S.

The chemical is used as an insect growth regulator. While often classified or referred to as an insecticide, it is not, and as a growth regulator, has a unique mode of action. It inhibits the ability of the egg to hatch or the larvae to rupture the cuticle thereby causing the insect to die before reaching maturity.

Its primary uses include forestry (gypsy moth control), nurseries, mosquito control, cotton, soybeans and Christmas trees. The U.S. Department of Agriculture has approved Dimilin as one of three products considered "very safe" for use in the treatment of the boll weevil in cotton. As part of a good integrated pest management program, Dimilin can replace the toxic and nasty products previously used. Dimilin is not toxic to birds, bees or fish. Dr. John Moore, Assistant Administrator of the EPA is quoted in the book *Silent Spring Revisited* as follows:

"Perhaps most encouraging is the recent practice of developing a pest management plan in which chemical pesticides are only a part of a multifaceted scheme. The emergent success story of boll weevil control in cotton production throughout the Carolinas is most illustrative. Through the use of the chemical dimilin(sic), which has selective larvicidal and chitin-inhibiting properties, early season spraying with conventional chemical insecticides is not needed. Natural predators of other cotton pests that used to be destroyed by these sprayings are once again successful in keeping these pest species in natural balance."

Thirty percent of Dimilin imports are used by State gypsy moth eradication programs where sixty-five percent of the products in use by the States is Dimilin.

Another important use of Dimilin is for mosquito control. The World Health Organization approved the use of Dimilin last year for mosquito control and it is being used successfully in the U.S. and many other countries of the world because of its selective mode of operation, its low mammalian toxicity, its non-persistence in soils and hydrosoils, its lack of mobility in the environment and its low biological accumulation and magnification.

III. MANUFACTURE AND IMPORTATION

Dimilin is not manufactured by any firm in the United States. Uniroyal Chemical is the only importer. Uniroyal imports both the Tech grade and finished product. The Tech grade is formulated into finished products at plants in Gastonia, North Carolina, and Fresno, California.

There is one other competitive product on the market that is used in the U.S. mushroom market only. Under the trade name "APEX" the product is marketed by Sandoz/Zoecon. It is not the same chemical diflubenzuron.

Where there are other products that may be considered competitive, these are insecticides with very different modes of action and are therefore not considered competitive.

IV. COSTS/SAVINGS

Dimilin is a high cost product with a high duty rate. It is not imported in great quantities since its use is selective although very important. Approximately 46,000 lbs. of Tech grade and 182,000 lbs. of 25% will be imported in 1989 for a total value of $3,295,168.00. The duty will be $377,315.00 on these products, the savings of which could be passed on to the consumers.

V. CONCLUSION

There are no U.S. manufacturers of these products. Consequently, the enactment of a temporary duty suspension will not cause injury to United States manufacturers or other United States business interests. The product is environmentally safe and is important for agriculture and society. A temporary duty suspension will have a minimal revenue impact and may help encourage its further use in other applications.

2, 6-Dichlorobenzonitrile

(Dichlobenil)

I. INTRODUCTION

This Memorandum outlines the principal factors which support favorable consideration of a bill to suspend, through December 31, 1994, the Customs duties on imported 2, 6-Dichlorobenzonitrile and certain imported mixtures containing this important chemical as an active ingredient.

II. DESCRIPTION AND USES OF DICHLOBENIL

Commonly known by the name Dichlobenil, the chemical 2, 6-Dichlorobenzonitrile is an important ingredient used in the manufacture of agricultural weed and seed control preparations. As the active ingredient in such preparations, Dichlobenil functions as a "pre-emergent" growth controller, preventing the seeds of weeds and other harmful plants from germinating and destroying valuable food and ornamental crops. Uniroyal Chemical Company of Middlebury, Connecticut, imports and sells Dichlobenil under its trade name Casaron. Uniroyal imports Dichlobenil in two different forms: Casaron technical grade, which is composed approximately 97% by weight of Dichlobenil, with small quantities of inert ingredients, and Carsaron 85W, which is composed of between 85-90% Dichlobenil, together with inert ingredients (primarily calcium silicate and other clays) and minute quantities of surfactants.

After importation, both grades of Casaron are formulated with other inert ingredients and small amounts of surfactants in order to manufacture granules and wettable powders to be used in seed control preparations. Popular Casaron formulations sold to end-users in the United States include Casaron 2G (2% active ingredient) and Casaron 4G (4% active ingredient). These formulations are diluted in water and sprayed on areas where seed and plant growth control is desirable.

Preparations made from imported Dichlobenil are used in many important applications. For example, Dichlobenil is clearly the most selective weed control product for ornamental plant cultures. Dichlobenil does

not injure ornamental plants, but prevents the development of harmful broadleaf weeds. (By contrast, traditional pesticide chemicals would kill or injure the plantings, as well as the weeds.) In addition, Dichlobenil is widely used by cranberry growers to control weed growth harmful to their crops. It is extensively used wherever cranberry crops are raised, in the New England states, as well as in the Upper Midwest (Wisconsin especially) and the Pacific Northwest.

Dichlobenil preparations are used extensively in orchards, nurseries, and around municipal and commercial grounds and buildings. Paving contractors also make frequent use of Dichlobenil preparations to kill weeds under asphalt. Dichlobenil can also be used as an aquatic herbicide, and is particularly effective in controlling the growth of weeds such as hydrilla, which choked many waterways in the Southern United States.

Dichlobenil has been approved for a wide variety of agricultural uses in the United States. It is not quite as water soluble as many pesticides; accordingly, it does not cause groundwater problems. Once dispersed, Dichlobenil is tightly bound to the soil. It does not leach into the soil, but runs off during rain.

In short, Dichlobenil is an important chemical used in the manufacture of seed control preparations which are vital to the health of United States agricultural crops and the economic well-being of United States growers.

III. MANUFACTURE AND IMPORTATION OF DICHLOBENIL

Under the Harmonized Tariff Schedules of the United States (HTS), (19 U.S.C. Section 1202), technical grade 2, 6-Dichlorobenzonitrile is classifiable under HTS item 2926.90.10.00.6 with duty at the rate of 6.8% *ad valorem.*

Casaron 85W, a mixture containing 2, 6-Dichlorobenzonitrile, is classifiable under HTS item 3803.30.10.00.0, and is dutiable at a compound rate of 1.8 cents per kilogram plus 9.7% *ad valorem.*

Dichlobenil is not manufactured by any firms in the United States. All Dichlobenil imported into the United States (and, consequently, all antisprouting preparations containing Dichlobenil sold in the United States) is manufactured in the Netherlands by Duphar, B.V. of Amsterdam, which controls all United States registrations for the product. Uniroyal imports both Casaron Tech and Casaron 85W manufactured by Duphar, Dichlobenil formulations are produced by Uniroyal at plants in Gastonia, North Carolina, and Fresno, California. In addition, some of these preparations are manufactured by toll processors in California.

A second United States firm, P.B.I. Gordon of Memphis, Tennessee, manufactures Dichlobenil preparations at its Memphis, Tennessee, plant. Like Uniroyal, P.B.I. Gordon obtains all of the Dichlobenil which it uses from Duphar in the Netherlands.[1]

Various herbicides produced in the United States are used in some of the same applications as Dichlobenil; however, none of these have the exact properties and functions of Dichlobenil, (e.g., for use in cranberries). Dichlobenil is not a pesticide, but rather a plant growth regulator: it does not kill or injure any existing plant or animal life, but it simply prevents development of harmful seeds. Consequently, it may be fairly said that Dichlobenil does not directly compete with any domestically-produced products.

IV. COSTS/SAVINGS

Uniroyal Chemical Company estimates that the total amount of Casaron Tech to be imported in 1989 will be 165,000 lbs. The total amount of Casaron 85W will be 190,000 lbs. The total combined value of these imports will be $4,027,545. The duty paid will be approximately $333,340.00.

V. CONCLUSION

Numerous factors support the temporary suspension of duties on imported Dichlobenil—both technical grade Dichlobenil, and preparations containing 80% by weight or more Dichlobenil as an active ingredient. These may be briefly summarized as follows:

1. No United States Manufacture. As noted above, no firms in the United States currently manufacture Dichlobenil, and none presently plan to do so. Only Duphar B.V. has obtained registrations and approval for the use of this chemical in the United States. Other herbicides are not directly competitive with Dichlobenil. Consequently, the enactment of a temporary duty suspension relating to imported Dichlobenil will not cause any injury to United States manufacturers or other United States business interests.

2. Benefit To Consumers. At present, United States Customs duties present a significant portion of the landed costs of all imported Dichlobenil. These costs, in turn, are passed along to distributors of Dichlobenil and, ultimately, to the farmers and growers who use the product. Elimination of the duty on this product would allow United States formulators to land this vital product at lower cost, and to manufacture their preparations more efficiently and inexpensively. Duty savings would ultimately be passed on to the consumers (i.e., United States growers and farmers). In addition, elimination of the duty for this product would prevent or moderate future price increases for Dichlobenil and formulations made therefrom.

Dichlobenil is an important chemical for many agricultural producers, most notably growers of cranberries and ornamental foliage. Temporary suspension of the duty for the product would help these growers to obtain and use this essential material much more cost effectively. Ultimately, benefits of the duty suspension would be passed on to other consumers, for instance in the form of lower food prices.

3. Environmental Considerations. As noted above, Dichlobenil is a "pre-emergent" antisprouting agent. Unlike most pesticides, which attack plants after they have sprouted, often killing useful plants as well as weeds, Dichlobenil is a safe product which protects important crops by preventing weeds from arising in the first instance. A tariff suspension would help to encourage the further use of these antisprouting agents as part of an integrated pest-management system.

4. Slight Revenue Impact. Granting the requested duty suspension will not significantly impact United States Customs duty revenues. Slow import growth is projected for the next few years, with total imports increasing by no more than 5,000 pounds per year. Thus, anticipated duty revenues which would be foregone by reason of the temporary duty suspension would not be significant and could easily be recouped through other means.

In summary, therefore, it is clear that a temporary suspension of the duty on imported Dichlobenil would provide assistance to American growers, by allowing them duty free access to an important pest-control product. It will stimulate additional sales of this environmentally-safe chemical, thereby increasing United States employment in several states (e.g., at United States facilities which manufacture antisprouting preparations from the imported product). In addition, suspension of the duty would not disadvantage any United States manufacturers or labor interests.

1[1-((4-chloro-2(triflouromethyl)phenyl) imino)-2-propoxethyl)-1h-imadazole

(Triflumizole)

I. INTRODUCTION

This memorandum outlines the principal factors which support favorable consideration of a bill to suspend, through December 31, 1994, the 13.5% ad valorem duty on 1[1 - ((4 - chloro - 2(triflouromethyl)-phenyl)imino) - 2 - propoxethyl] - 1h - imadazole provided for under HTS subheading 2933.29.30.00.9. This product is known by its trade name of triflumizole.

II. DESCRIPTION AND USES OF TRIFLUMIZOLE

The chemical, known by its registered brand names in the United States, "Procure and Terraguard," falls under HTS subheading 2933.29.30.00.9. It is a powder which Uniroyal imports from Japan under exclusive license from Nippon Soda. Uniroyal formulates the imported technical grade material into ready to use active wetable powders. The product is used as a fungicide for certain deciduous fruit and ornamental plants.

Triflumizole was invented by the Japanese company who holds the patent and the U.S. registration. Uniroyal Chemical Company has an exclusive agreement to market the product and its compositions in the U.S.

In addition to its use to control cylindrocladium root rot disease on spathapyllum ornamental foliage plants, triflumizole is used to control powdery mildew on grapes. Powdery mildew is one of the most devastating of the diseases to attack grapes. Each year more than $15 million are spent in attempts to control this disease. Currently sulphur and Bayleton are the two main products used in the fight against powdery mildew, but sulphur is quite irritating during the application process and in recent years, Bayleton is being reported as failing, perhaps because of resistance being developed by this disease.

Triflumizole is also intended for the control of scab and mildew on apples.

III. MANUFACTURE AND IMPORTATION

Triflumizole is not manufactured by any firm in the United States. Uniroyal Chemical is the only importer. Uniroyal imports the Tech grade and formulates it into finished products at plants in Gastonia, North Carolina, and Fresno, California.

The product is considered environmentally safe in that it has no adverse effects on birds or bees although it can be toxic to fish at high concentrations. It degrades quickly in the soil, is rapidly metabolized by plants, and animals, and does not bioaccumulate in fish.

There are other competitive products on the market that are used in the U.S. for some of the same applications. These include Captan from Chevron, Funginex imported by FMC, and Dithane imported by Rohm and Haas. While these products are

[1] Dichlobenil is produced by a company in Japan. However, the Japanese product is not registered or approved for use in the United States, and consequently is not imported or used here.

competitive in application, they are not competitive in their mode of action. There is no other product like Triflumizole manufactured in the United States.

IV. COSTS/SAVINGS

Triflumizole is a high cost product with a high duty rate. It is not imported in great quantities since its use is selective although very important. Approximately 3,500 lbs. of Tech grade will be imported in 1989 for a total value of $127,260.00. The duty will be $17,180.00 on these imports, the savings of which could be passed on to the consumers.

V. CONCULSION

There are no U.S. manufacturers of these products. Consequently, the enactment of a temporary duty suspension will not cause injury to United States manufacturers nor should it injure other United States business interests. The product is environmentally safe and is important for agriculture and society. A temporary duty suspension will have a minimal revenue impact and could help encourage its further use in other applications by reducing its overall cost.

By Mr. DANFORTH:

S. 1104. A bill to temporarily suspend the duty on flashlights and flashlight parts; to the Committee on Finance.

S. 1105. A bill to temporarily suspend the duty on certain Christmas ornaments; to the Committee on Finance.

S. 1106. A bill to temporarily reduce the duty on frozen carrots; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN ITEMS

● Mr. DANFORTH. Mr. President, today I am introducing three miscellaneous tariff bills. The first provides for the temporary suspension of duty on flashlights and flashlight parts. The second provides for the temporary suspension of duty on Christmas ornaments other than those made of glass or wood. Finally, the third bill provides for the temporary reduction of duty on certain frozen carrots.

I ask unanimous consent that the texts of these three bills be printed in full in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FLASHLIGHTS AND FLASHLIGHT PARTS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.85.16	Flashlights and parts of flashlights (provided for in subheading 8513.10.20 or 8513.90.20).	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN CHRISTMAS ORNAMENTS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.95.05	Christmas ornaments other than ornaments of glass or wood (provided for in subheading 9505.10.25).	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FROZEN CARROTS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.07.11	Carrots, frozen (provided for in subheading 0710.80.70).	2.2¢/kg.	No change	No change	12/31/92".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of enactment of this Act, any entry of an article described in heading 9902.07.11 of the Harmonized Tariff Schedule of the United States (as added by this Act) that was made—

(1) after December 31, 1988, and

(2) on or before the date that is 15 days after the date of enactment of this Act,

shall be liquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.●

By Mr. SIMON:

S. 1107. A bill to provide education, training, employment, and related services to displaced homemakers, and for other purposes; to the Committee on Labor and Human Resources.

TISH SOMMERS AND LAURIE SHIELDS DISPLACED HOMEMAKERS TRAINING AND ECONOMIC SELF-SUFFICIENCY ASSISTANCE ACT

● Mr. SIMON. Mr. President, I am pleased to introduce today the Tish Sommers and Laurie Shields Displaced Homemakers Training and Economic Self-Sufficiency Assistance Act of 1989. This legislation would provide for a new employment and training program for displaced homemakers—a large but often overlooked group made up of predominately older women.

Many people are unaware of who displaced homemakers are and the serious difficulty that these women face finding jobs to support themselves and their families. Every year, hundreds of women are forced unexpectedly from the role of homemaker into the role of family breadwinner due to a husband's death, disability, divorce, or loss of public assistance. According to the Census Bureau, there are approximately 11.5 million displaced homemakers in the United States.

Contrary to a common myth, displaced homemakers are not middle class, well educated women. Available information about this group indicates that displaced homemakers, like other female heads of households, are disproportionately poor: 40 percent have incomes below the poverty level and another 21 percent have incomes near the poverty level.

Displaced homemakers are older women and minority women: 70 percent are age 55 or older and 22 percent are minorities. Displaced homemakers generally have one or more dependents: 61 percent have children living at home. Displaced homemakers are unemployed or low wage earners: 66 percent are unemployed and of the 29.5 percent who are employed, 24.4 percent are employed part time. Education levels for displaced homemakers are low: 56 percent of all displaced homemakers lack a high school diploma and 22 percent of those between the ages of 25 and 65 years old have not completed the eighth grade.

Clearly, displaced homemakers represent a group facing financial adversity at the same time that they are confronting painful adjustment and personal problems. Their general lack of work experience and marketable skills combined with a lack of confidence and self-esteem create special barriers to their successful entry into the labor market.

Mr. President, the legislation that I plan to introduce today is named after the two women who coined the term "displaced homemaker" and who in 1975 started a national movement to help these women gain economic self-sufficiency. The intent of my bill is to fill existing gaps in education, employment and training services for these women who face special barriers to successful entry into the labor market.

At the present time, the primary source of support for displaced homemaker programs is State funding. This funding, however, is tenuous and fragmented. While some 23 States provide some level of support to displaced homemaker projects, the majority of States do not.

At the Federal level, the Job Training Partnership Act and the Carl Perkins Vocational Education Act provide some assistance by naming displaced homemakers as one of several groups to be served. But, neither program responds satisfactorily to the special circumstances displaced homemakers face. In part due to limited funding and in part due to the structure of the JTPA system, relatively few displaced homemakers—about 23,000 in program year 1987—are being served by the JTPA Program.

The Carl Perkins Vocational Education Act provides a more significant source of assistance to displaced homemakers through the 8.5 percent set aside for single parents and homemakers. Yet, available funds are insufficient and the vocational training tends to be focused on younger students who may have more recent education and employment experience. While the vocational education set aside helps to provide critical vocational training for younger displaced homemakers, the vocational education system is not well suited to the needs of older women.

Several months ago, I introduced legislation, S. 543, the Job Training Partnership Act Youth Employment Amendments of 1989, that will help to improve the delivery of services to displaced homemakers under JTPA—through refocusing JTPA services on education, basic skills training and harder-to-serve groups. S. 543 does not, however, obviate the need for the legislation I am introducing today. My legislation would provide resources for the development in all 50 States of comprehensive programs to address the unique needs of displaced homemakers.

This legislation would authorize a new program of assistance to States to finance the delivery of job readiness, counseling, remediation, occupational training, supportive services, job placement and a range of other services that experience has taught us are needed for displaced homemakers to successfully achieve economic self-sufficiency. One innovative feature of the bill is that it permits States to use a small portion of funds allocated to them to set up revolving loan funds to provide low-interest loans to displaced homemakers who need emergency assistance, help with tuition or job search expenses, or startup expenses associated with self-employment.

Mr. President, my bill defines a displaced homemaker to be an individual whose principal job has been homemaking and who has lost her main source of income because of divorce, separation, widowhood, disability, or long-term unemployment of a spouse, or loss—or expected loss within 2 years—of eligibility for public assistance. By definition, a displaced homemaker must be unemployed or underemployed; for example, working part time when full-time employment is desired.

This legislation places a priority on assisting those displaced homemakers with the greatest financial need, and older and minority displaced homemakers who may face additional problems of age and racial discrimination.

Moreover, in order to ensure the effective delivery of services and coordination with other programs that may serve displaced homemakers, States would be required to develop a State plan for the delivery and coordination of displaced homemakers services, designate an administrator for displaced homemaker programs, and establish an advisory council for displaced homemakers.

In this era of scarce Federal dollars, ensuring that federally funded programs actually deliver results is the necessary bottom line. This legislation would require the evaluation of the adequacy and effectiveness of displaced homemaker programs at the State and Federal levels. And, like other employment and training programs, this bill requires that national performance standards be developed to ensure that we get the greatest return on the Federal dollar and to ensure that displaced homemakers get the services they need to fulfill their maximum potential.

Displaced homemakers will be a continuing phenomenon we need to address. There are 23 million married women who are not in the labor force. Death, divorce, or separation from their spouse will result in a significant number of these women becoming displaced homemakers.

This morning I participated in a press briefing at which the Displaced Homemakers Network and the American Association of Retired Persons unveiled a new video entitled "Partners in Change." While the goal of this video is to educate prospective employers about the value of hiring older women and displaced homemakers, it brought home to me the fact that hiring older women is not just a nice or socially responsible thing to do—it is becoming an economic necessity. Our society can no longer afford large segments of the population to be unemployed for long periods of time.

In the coming years employers will look more and more to women to meet their work force needs. During the 1990's, two out of every three workers will be women. The work force of the future will be comprised increasingly of older, female and disadvantaged workers. We cannot leave to chance the access of these groups to appropriate education and training for jobs that will have higher skill requirements—jobs associated with better compensation and benefits. Clearly, it is in the national interest to ensure women, and older women, in particular, are a productive part of the future work force.

Expanding the Federal investment in the education and training of these women is not only common sense but good economic sense. As the pool of potential young workers continues to decrease throughout the 1990's, special efforts must be made to prepare displaced homemakers for successful participation in the labor force—preparation that will allow them to achieve economic self-sufficiency.

Mr. President, I ask unanimous consent that this bill be inserted into the CONGRESSIONAL RECORD in the full text in addition to the section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tish Sommers and Laurie Shields Displaced Homemakers Training and Economic Self-Sufficiency Assistance Act of 1989".

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to provide financial assistance to States to expand, improve, and develop education, training, employment-related services to assist displaced homemakers in obtaining marketable job skills, thereby expanding their options for employment and economic self-sufficiency.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the Nation has a vested interest in building a quality and productive workforce that will enable the United States to compete effectively in the global marketplace;

(2) 2 in every 3 new entrants to the workforce during the 1990's will be women and such women will need appropriate basic and occupational skills to fill jobs requiring much higher skill levels than the jobs of today;

(3) there are approximately 11.5 million displaced homemakers in the United States who represent a significant number of women not in the labor force and who must be adequately prepared for jobs;

(4) 3 in every 4 displaced homemakers are 45 years and older and 1 in every 4 displaced homemakers is a minority, and such older women and minority women have special education and training needs which must be addressed to facilitate their successful entry into the workforce;

(5) the majority of displaced homemakers are women who live in poverty and who require educational, vocational, training, and other services to obtain financial independence and economic security; and

(6) Federal, State, and local programs addressing the training and employment needs of displaced homemakers have been fragmented and insufficient to effectively serve displaced homemakers.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) The term "displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who—

(A) has been dependent either—

(i) on public assistance and whose youngest child is within 2 years of losing eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601-618), or

(ii) on the income of another family member but is no longer supported by that income, and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(2) The term "community-based organization" has the same meaning given that term in section 4(5) of the Job Training Partnership Act.

(3) The term "eligible service provider" means—

(A) a nonprofit community-based organization;

(B) a local educational agency;

(C) a secondary school;

(D) an institution of higher education; or

(E) an area vocational education school.

(4) The term "Governor" means the chief executive of any State.

(5) The term "area vocational education school" has the same meaning given that term in section 521(3) of the Carl D. Perkins Vocational Education Act.

(6) The term "institution of higher education" means an institution of higher education as that term is defined in section 1201(a) of the Higher Education Act of 1965.

(7) The term "local educational agency" has the same meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(8) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(9) The term "supportive services" means services which are necessary to enable an individual eligible for training under this Act to participate in a training program funded under this Act. Such supportive services may include transportation, health care, special services and materials for the handicapped, child care, meals, temporary shelter, financial counseling, adult dependent care, and other reasonable expenses including such work related expenses as tools, clothing, and books, required for participation in the training program.

(10) The term "Secretary" means the Secretary of Labor.

SEC. 5. ALLOTMENT AMONG STATES.

(a) IN GENERAL.—The Secretary shall allot for each fiscal year to each State an amount which bears the same relationship to the total amount of such funds as the total number of displaced homemakers in such State as determined by the Bureau of the Census bears to the total number of displaced homemakers in all States.

(b) RESERVATION.—The Secretary shall reserve 5 percent of the funds appropriated pursuant to section 17 for any fiscal year to pay the costs of the national activities required by section 14.

(c) MAINTENANCE OF EFFORT.—Funds provided pursuant to this Act shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for displaced homemakers.

SEC. 6. REALLOTMENT.

(a) GENERAL REALLOTMENT AUTHORITY.—For program years beginning July 1, 1989, and thereafter, the Secretary shall, in accordance with the requirements of this section, reallot to eligible States the funds allotted to States from funds appropriated for such program year that are available for reallotment.

(b) AMOUNT AVAILABLE FOR REALLOTMENT.—The amount available for reallotment is equal to—

(1) the amount by which the unexpended balance of the State allotment at the end of the program year prior to the program year for which the determination under this section is made exceeds 20 percent of such allotment for that prior program year; plus

(2) the unexpended balance of the State allotment from any program year prior to the program year in which there is such excess.

(c) METHOD OF REALLOTMENT.—(1) The Secretary shall determine the amount that would be allotted to each eligible State by using the factors described in section 5(a) to allocate among eligible States the amount available pursuant to subsection (b) of this section.

(2) The Secretary shall, by using the factors described in section 5(a), allot to eligible States the amount available that remains after the allotment required by paragraph (1) of this subsection.

(d) STATE PROCEDURES WITH RESPECT TO REALLOTMENT.—The Governor of each State shall prescribe uniform procedures for the expenditure of funds by eligible service providers in order to avoid the requirement that funds be made available for reallotment under subsection (b). The Governor shall further prescribe equitable procedures for making funds available from the State and eligible service providers in the event that a State is required to make funds available for reallotment under such subsection.

(e) DEFINITIONS.—For the purpose of this section, an eligible State means a State which has expended at least 80 percent of its allotment for the program year prior to the program year for which the determination under this section is made.

SEC. 7. STATE PLAN.

(a) PLAN REQUIRED.—In order to receive an allotment of funds under section 5 the Governor of each State shall develop and submit to the Secretary for review and approval a 2-year State plan describing the programs, activities, and services to be assisted with funds provided under this Act.

(b) CONTENTS OF PLAN.—Each State plan shall—

(1) contain assurances that displaced homemakers with the greatest financial need will be given priority in the delivery of services under this Act;

(2) contain assurances that displaced homemakers 45 years and older and minority displaced homemakers will be given special consideration in the delivery of services under this Act; and

(3) provide assurances that the services provided pursuant to this Act will be coordinated with other Federal or State programs providing services to displaced homemakers.

SEC. 8. STATE ADMINISTRATION.

(a) IN GENERAL.—The Governor of each State receiving an allotment under section 5 shall—

(1) where a unit does not already exist in any State agency, create a displaced homemakers unit within the State Department of Labor or other State agency as appropriate;

(2) where a position does not already exist, assign 1 individual to work full-time as the State administrator for displaced homemaker services to fulfill the purposes of this Act by—

(A) administering the program for displaced homemaker services described in this Act; and

(B) coordinating the services provided under this Act with other available services for displaced homemakers within the State;

(3) where such a council does not already exist create a State displaced homemaker advisory council to assist the State displaced homemaker unit to plan, implement, and evaluate programs and activities funded under this Act.

(b) STATE ADMINISTRATOR.—Each State administrator for displaced homemaker services in a State receiving financial assistance under this Act shall—

(1) make appropriate services available to displaced homemakers through the use of eligible service providers in accordance with the provisions of section 11;

(2) provide appropriate preservice and in-service training, technical assistance, and advice to individuals providing services to displaced homemakers;

(3) develop an annual plan for the use of all funds available for displaced homemaker programs, manage the distribution of these funds, and monitor the use of funds distributed to eligible service providers;

(4) evaluate the effectiveness of programs and activities assisted under this Act, including the extent to which the programs and activities exceed or fail to meet relevant performance standards set forth in section 15;

(5) gather, analyze and disseminate data on the adequacy and effectiveness of the State in meeting the training and employment needs of displaced homemakers;

(6) provide technical assistance and advice to eligible service providers, local educational agencies, secondary schools, institutions of higher education, and other interested parties in the State to expand training and employment opportunities for displaced homemakers; and

(7) set forth the criteria to be used in approving applications from eligible service providers.

(c) STATE DISPLACED HOMEMAKER ADVISORY COUNCIL.—The State Displaced Homemaker Advisory Council established pursuant to subsection (b)(6) shall include—

(1) a representative from the State Job Training Coordinating Council established pursuant to section 122 of the Job Training Partnership Act;

(2) a representative from the State Job Opportunities and Basic Skills Training (JOBS) program established pursuant to title II of the Family Support Act;

(3) a representative from the State Commission on Women, if such a commission exists in the State;

(4) a sex equity coordinator for vocational education established pursuant to the provisions of section 111(b)(1)(A) of the Carl D. Perkins Vocational Education Act;

(5) a representative of a community-based organization serving displaced homemakers;

(6) a representative of a community-based organization representing primarily minority women;

(7) a representative of employers; and

(8) a displaced homemaker.

SEC. 9. USE OF FUNDS.

Funds allotted to States pursuant to section 5 may be used to provide education, training, and supportive services to dis-

placed homemakers. Such services may include—

(1) recruitment and outreach,
(2) assessment and testing,
(3) career counseling,
(4) literacy training and bilingual training,
(5) job development,
(6) job placement,
(7) remedial education, basic skills training and GED preparation,
(8) on-the-job training,
(9) life skills development,
(10) pre-employment preparation,
(11) vocational exploration,
(12) skills training and vocational training,
(13) individual and group counseling,
(14) job search,
(15) follow-up services, and
(16) supportive services.

SEC. 10. WITHIN STATE ALLOCATION.

(a) IN GENERAL.—From amounts allotted to each State pursuant to section 5, the Governor of each State shall make grants to eligible service providers to provide education, training, and supportive services to displaced homemakers.

(b) RESERVATIONS.—The Governor of each State shall reserve at least $60,000 and not more than $100,000 for the costs of State administration pursuant to section 8.

(c) COMPETITIVE BASIS.—The Governor of each State receiving assistance under this Act shall award grants to eligible service providers on a competitive basis.

SEC. 11. SERVICE PROVIDERS.

(a) IN GENERAL.—The Governor of each State receiving assistance under this Act shall select eligible service providers to deliver education, training, and supportive services to displaced homemakers on the basis of the ability of the eligible service provider to effectively deliver services to displaced homemakers.

(b) PRIORITY.—Each State receiving financial assistance under this Act shall give priority in awarding grants to eligible service providers which have experience in providing services to displaced homemakers.

(c) SPECIAL CONSIDERATION.—Each State receiving financial assistance under this Act shall give special consideration in awarding grants to eligible service providers which are community-based organizations.

(d) ADMINISTRATIVE COST.—Each eligible service provider receiving assistance pursuant to this Act may use no more than 20 percent of the funds awarded to such eligible service provider for administrative costs.

SEC. 12. SERVICE PROVIDER APPLICATION REQUIRED.

(a) IN GENERAL.—Each eligible service provider desiring a grant under this Act shall submit an application to the Governor for review and approval.

(b) APPLICATION CONTENTS.—Each such application shall—

(1) describe the programs, services, and activities for which assistance is sought;

(2) demonstrate a service delivery plan that coordinates existing services for displaced homemakers; and

(3) contain such assurances as the Governor may reasonably require.

SEC. 13. DISPLACED HOMEMAKER LOAN.

(a) PROGRAM AUTHORIZED.—The Governor of each State may reserve, on a one time basis only, 10 percent of the funds allotted to such State pursuant to section 5(a) in any fiscal year, to establish a revolving loan fund to provide low interest loans to displaced homemakers to pursue training, education, and employment opportunities leading to economic self sufficiency.

(b) USE OF FUNDS.—(1) Funds reserved pursuant to subsection (a) shall be used by the Governor of each State receiving assistance under this Act as capital contributions for establishing revolving loan funds for displaced homemakers.

(2) Loans provided pursuant to subsection (a) may be used for—

(A) tuition and related expenses for vocational and other postsecondary education;

(B) relocation and emergency household expenses;

(C) income supplement or replacement during participation in a training program and/or job search;

(D) emergency medical expenses and insurance continuation;

(E) job search expenses; and

(F) start-up expenses associated with self employment.

(c) LOAN AMOUNT.—Revolving loan funds established pursuant to subsection (a) shall be available to provide a displaced homemaker with one loan which does not exceed $5,000.

(d) APPLICATION.—Each displaced homemaker desiring a loan under this section shall submit an application at such time, in such manner, and containing such information as the Governor may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain such other assurances as the Governor may reasonably require.

(e) STATE RESPONSIBILITIES.—Each State providing loans to displaced homemakers from a revolving loan fund established with funds provided under this Act shall—

(1) collect any loan or portion thereof in accordance with subsection (f), and

(2) certify annually to the Secretary that displaced homemakers receiving such loans are in compliance with the provisions of this section.

(f) REPAYMENTS.—(1) Each State shall deposit all repayments of loans provided pursuant to this section into the revolving loan fund of the State established with funds provided under this Act pursuant to subsection (a).

(2) A displaced homemaker shall be excused from the repayment of any loan made from a revolving loan fund established with funds provided under this section if such displaced homemaker—

(A) dies;

(B) becomes permanently totally disabled as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy.

(g) LOAN TERMS.—Each loan made to a displaced homemaker by a State from a revolving loan fund established with funds provided under this Act—

(1) shall not accrue interest before the date that is 270 days after the day on which the displaced homemaker ceases to be a participant in an education or training program assisted under this Act;

(2) shall accrue interest at an annual rate of 5 percent after such date, and

(3) shall be repaid over a period that does not exceed 10 years.

(h) MAINTENANCE OF EFFORT.—Each State receiving funds pursuant to this section shall use the Federal funds only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources to displaced homemakers for the activities and services described in the application.

(i) ADMINISTRATIVE COSTS.—In the first fiscal year in which a State receives assistance pursuant to this section, such State may reserve an amount not to exceed 5 percent of the amount of funds reserved pursuant to subsection (a) for the costs of administering the revolving loan fund established under subsection (a). In the second and each succeeding fiscal year thereafter in which a State administers a revolving loan fund established pursuant to this section, such State may reserve 1 percent of such State's allotment under section 5 for the costs of administering such revolving loan fund.

SEC. 14. NATIONAL ACTIVITIES.

(a) INFORMATION.—From amounts available under section 5(b), the Secretary shall implement a uniform data collection system to collect information to assist Federal, State, and local efforts to serve displaced homemakers. The information to be collected through such a system shall include—

(1) the number of displaced homemakers served,

(2) the race, age, and sex of displaced homemakers,

(3) the number of dependents of each displaced homemaker,

(4) the source and amount of income of displaced homemakers,

(5) the range of services required by displaced homemakers,

(6) the services received by displaced homemakers,

(7) the type of job, training, and education placement received by displaced homemakers, and

(8) the wage level at placement of displaced homemakers.

(b) TRAINING AND TECHNICAL ASSISTANCE.—From amounts available under section 5(b) the Secretary, through the Women's Bureau, shall provide a grant to a national organization to—

(1) provide appropriate preservice and inservices training for specialized, supportive, supervisory, and other personnel;

(2) provide technical assistance to programs serving displaced homemakers; and

(3) establish a national clearinghouse to disseminate materials and information gained through exemplary program experience which may be of use to other displaced homemaker programs.

(c) REPORT.—The Secretary shall biennially report to the Congress on the progress made in providing training and other work-related services to displaced homemakers. Such report shall include recommendations for legislation needed to improve the effectiveness of Federal programs serving displaced homemakers.

SEC. 15. PERFORMANCE STANDARDS.

(a) IN GENERAL.—The Congress recognizes that education, training, and support services are investments in human capital and not expenses. In order to determine whether these investments have been productive, the Congress finds that the return on these investments is to be measured by achievement of competencies that lead to economic self-sufficiency.

(b) MEASURE.—(1) The basic measure of performance for programs under this Act is the increase in capability to achieve economic self-sufficiency resulting from participation in the program. In order to determine whether this basic measure has been achieved, the Secretary shall prescribe standards on the basis of appropriate factors which may include—

(A) raising the grade level of reading, writing, and computational skills;

(B) acquisition of a GED or high school diploma;

(C) attainment of English language proficiency;

(D) attainment of prevocational competencies, including ability to identify skills and values, ability to set goals, ability to manage money, ability to manage time, and assertiveness;

(E) completion of an institutional or employer-sponsored skills training program;

(F) enrollment in an apprenticeship program; and

(G) placement in employment that provides or leads to economic self-sufficiency.

(c) SPECIAL RULE.—The Governor of each State receiving assistance under this Act may prescribe variations in the performance standards based on—

(1) specific economic and geographic factors within the State, and

(2) specific demographic characteristics of the displaced homemaker population within the State.

SEC. 16. ELIGIBILITY TO PARTICIPATE IN OTHER ACTS.

In any fiscal year in which the appropriation for this Act equals or exceeds $20,000,000, displaced homemakers receiving assistance under this Act shall not be eligible for assistance under title III of the Job Training Partnership Act.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 1990 and such sums as may be necessary for each succeeding fiscal year to carry out the provisions of this Act.

"(b)(1) For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

"(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).".

THE TISH SOMMERS AND LAURIE SHIELDS DISPLACED HOMEMAKERS TRAINING AND ECONOMIC SELF-SUFFICIENCY ACT OF 1989—SECTION-BY-SECTION SUMMARY

Section 1. Short Title.—The Tish Sommers and Laurie Shields Displaced Homemakers Training and Economic Self-Sufficiency Act of 1989

Section 2. Purpose.—To provide financial assistance to States to expand, improve, and develop education, training and employment-related services to assist displaced homemakers in obtaining marketable job skills, employment and economic self-sufficiency.

Section 3. Findings.—The findings outline the need for an expanded federal investment in educating and training displaced homemakers for successful entry or reentry into the labor market.

Section 4. Definitions.—

A "displaced homemaker" is defined to mean an individual who has been providing unpaid services to family members in the home; who has been dependent on public assistance and is within 2 years of losing such assistance or has been dependent on the income of another family member and is no longer supported by that income; and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Includes additional definitions for "community based organization", "eligible service provider", "Governor", "area vocational technical school", "institution of higher education", "local educational agency", "secondary school", "supportive services", and "Secretary".

Section 5. Allotment Among States.—

(a) Provides for the allocation of funds authorized under the bill to states based on the number of displaced homemakers in the state as compared with the number of displaced homemakers in all states.

(b) Reserves 5 percent of appropriated funds for national activities described in section 14 and administered by the Secretary of Labor.

(c) Provides that funds allocated to States under the bill be used to supplement and not supplant other Federal, State and local public funds used to provide displaced homemaker services.

Section 6. Reallotment.—

Grants authority to the Secretary of Labor to reallot State carryover funds exceeding 20 percent of each State's allotment for the prior program year to eligible States using the same method for the reallotment that was used originally to allocate funds to states. An eligible State is defined to be a State which has expended at least 80 percent of its allotment for the program year prior to the year in which the reallotment occurs.

Grants authority to the Governor of each State to prescribe uniform procedures for the expenditure of funds by eligible service providers, and equitable procedures for making funds available for reallotment from the State and eligible service providers.

Section 7. State Plan.—Requires the Governor of each State to develop a 2-year State plan describing the programs, activities and services to be assisted with funds provided under this bill and to submit the state plan to the Secretary of Labor for review and approval. Each State plan must contain assurances that displaced homemakers with the greatest financial need will be given priority for services; and that displaced homemakers 45 years and older and minority displaced homemakers be given special consideration in the delivery of services.

Section 8. State Administration.—

(a) Requires the Governor of each State receiving funding under this bill to create, where such a unit does not already exist, a displaced homemakers unit within the State Department of Labor or an appropriate state agency; assign one individual to work full time as the state administrator for displaced homemaker services, where such a position does not already exist; and create, where such a council does not already exist, a State displaced homemaker advisory council to assist the State displaced homemaker unit to plan, implement and evaluate programs and activities funded under this bill.

(b) Provides that each State Administrator for displaced homemakers services in a State receiving funds under this bill must (1) make appropriate services available to displaced homemakers through the use of eligible service providers, (2) provide appropriate training, technical assistance and advice in individuals providing services to displaced homemakers, (3) develop an annual plan for the use, distribution and monitoring of all funds received under this act, (4) evaluate the effectiveness of activities assisted under this act, including the extent to which they exceed or fail to meet relevant performance standards, (5) gather, analyze and disseminate data on the adequacy and effectiveness of the state in meeting displaced homemaker employment and training needs, (6) provide technical assistance to eligible service providers, and (7) set forth criteria to be used in approving applications from eligible service providers.

(c) Provides that members of the State displaced homemaker advisory council shall include representation from the State Job Training Coordinating Council; the State JOBS program; the State Commission on Women, if such a commission exists in the State; a community based organization serving displaced homemakers; a community based organization representing primarily minority women; employers; and displaced homemakers, and an individual who is a sex equity coordinator for vocational education.

Section 9. Use of Funds.—Funds made available to States may be used to provide education, training, and supportive services to displaced homemakers and may include: recruitment and outreach, assessment and testing, career counseling, literacy training and bilingual training, job development, job placement, remedial education, basic skills training and GED preparation, on-the-job training, life skills development, pre-employment preparation, vocational exploration, skills training and vocational training, individual and group counseling, job search, follow-up services, and supportive services.

Section 10. Within State Allocation.—Grants authority to the Governor of each State to make funds allocated to the state available to eligible service providers through grants awarded on a competitive basis. Requires the Governor to reserve from funds allocated to the State at least $60,000 but not more than $100,000 to support the administrative costs of the State displaced homemakers unit.

Section 11. Service Providers.—Eligible service providers must be selected on the basis of their ability to effectively deliver services to displaced homemakers. Each State receiving financial assistance under this bill must give priority in awarding grants to eligible service providers which have experience in providing services to displaced homemakers, and must give special consideration in awarding grants to eligible service providers which are community-based organizations.

Section 12. Service Provider Application Required.—Requires each eligible service provider which seeks funding to submit an application to the Governor which describes the programs, services and activities that would be funded, and includes a service delivery plan that coordinates existing services for displaced homemakers.

Section 13. Displaced Homemaker Loan.—

(a) Permits the Governor of each State to reserve, on a one time basis, 10% of funds allocated to the state of the initial capital for a revolving loan fund to provide low interest loans to displaced homemakers.

(b) Provides that loans issued through the revolving loan fund may be used for tuition and related expenses for vocational and other postsecondary expenses; relocation and emergency expenses; supplemental or replacement income during participation in a training program and/or job search; emergency medical expenses and insurance continuation; job search expenses; and start-up expenses associated with self employment.

(c) Provides that the revolving loan fund may be used to provide a displaced homemaker with one loan not exceeding $5000.

(d) Provides that in order to receive a loan, a displaced homemaker must apply; such application shall describe the activities for which assistance is sought, and contain such other assurances as the Governor may reasonably require.

(e) Requires each State issuing loans to displaced homemakers to collect any loan disbursed and certify annually to the Secretary that displaced homemakers receiving such loans are in compliance with the provisions of this section.

(f) Requires each State to deposit all repayments of loans into the revolving loan fund. Provides that a displaced homemaker shall be excused from loan repayment if she/he dies; becomes permanently disabled; or declares bankruptcy.

(g) Provides that loans issued through the revolving loan fund shall not accrue interest until 270 days (9 months) after the displaced homemaker ceases to be a participant in an education or training program funded under this bill; shall accrue interest at an annual rate of 5% after the 270 days, and shall be repaid over a period not exceeding 10 years.

(h) Requires each State receiving funds under section 14 to use the funds only to supplement funds that, in the absence of federal funds, would be made available from nonfederal sources to displaced homemakers for the activities described in the application.

(i) Permits each State to reserve, in the first year of operation of the revolving loan fund, up to 5% of the funds reserved by the state to establish the revolving loan fund for the administrative costs associated with operation of the revolving loan fund. In the second year and in each succeeding year of operation of the revolving loan fund, 1% of the funds alloted to the state under section 5 would be permitted for administrative costs associated with the revolving loan fund.

Section 14. National Activities.—

(a) Requires the Secretary of Labor to implement a uniform data collection system to collect information that includes: the number of displaced homemakers served; the socioeconomic characteristics of displaced homemakers; the range of services required by displaced homemakers; the type of job, training, education and other services received by displaced homemakers; and the salary received by displaced homemakers upon placement into jobs.

(b) Requires the Secretary of Labor, through the Women's Bureau, to provide a grant to a national organization to provide training and technical assistance to displaced homemaker programs, and to establish a national clearinghouse to disseminate materials and information gained through exemplary program experience which may be of use to other displaced homemaker programs.

(c) Requires the Secretary of Labor to report biennially to Congress on the progress made in providing training and other work-related services to displaced homemakers. Such report shall include recommendations for legislation needed to improve the effectiveness of federal programs serving displaced homemakers.

Section 15. Performance Standards.—

Authorizes the Secretary to prescribe performance standards for programs funded under this bill on the basis of such factors as: raising the grade level of reading, writing and computational skills; acquisition of a GED or high school diploma; attainment of English language proficiency; attainment of pre-vocational competencies; completion of an institutional or employer-sponsored skills training program; enrollment in an apprenticeship program; or placement in employment that leads to economic self-sufficiency.

Authorizes the Governor of each State to adjust national performance standards based on the specific economic and geographic factors within the State, and the specific demographic characteristics of the displaced homemaker population within the State.

Section 16. Eligibility to Participate in Other Acts.—Provides that in any year in which appropriations for this bill equals or exceeds $20 million, eligibility for displaced homemakers under Title III (Dislocated Worker Assistance) of the Job Training Partnership Act shall terminate.

Section 17. Authorization of Appropriations.—Authorizes appropriations of $50 million for fiscal year 1990 and such sums as may be necessary for succeeding fiscal years. Provides a 9-month forward funding mechanism for programs funded under this bill.●

By Mr. STEVENS:

S. 1108. A bill to provide another opportunity for Federal employees to elect coverage under the Federal employees' retirement system; to provide that the recently enacted Government pension offset provisions of the Social Security Act shall not apply to Federal employees who take advantage of the new election period; and for other purposes; to the Committee on Governmental Affairs.

OPEN SEASON FOR TRANSFER TO FEDERAL EMPLOYEES' RETIREMENT SYSTEM

Mr. STEVENS. Mr. President, today I am introducing legislation which would create a second open season for Federal employees to transfer from the civil service retirement system [CSRS] to the Federal employee retirement system [FERS]. We created FERS to provide retirement protection for Federal employees hired after 1983. It is a three-tiered system consisting of a defined benefit plan, Social Security, and a voluntary thrift savings plan. I am pleased to join Representative STAN PARRIS in offering a bill that would allow Federal employees to switch to FERS between July 1, 1989, and December 31, 1989, and would extend the exemption from the public pension offset through December 31, 1989.

The initial open season for FERS, where Federal employees could elect to transfer from CSRS to FERS, was held between July and December of 1987. OPM then administratively extended this period through the end of June 1988, due to last minute congressional action on FERS. The result of this action was that many employees were not afforded time to become sufficiently informed about developments in FERS and were not able to take advantage of their new options.

The Congressional Budget Office [CBO] had projected that 40 percent of Federal employees in CSRS would switch to FERS during the 1987 open season. In actuality, only about 3 percent of eligible employees transferred to FERS all together. I have heard reasons why so few switched. Chief among these is that Federal employees were uncertain how FERS would affect them, nor were they certain how congressional action would affect FERS.

For example, it was not until the 11th hour last Congress that we decided not to limit the percentage of salary that higher paid employees could contribute to their thrift savings plan accounts. The result is that today, under FERS, employees can contribute up to 10 percent of their pay, or a maximum of $7,627, to the thrift plan.

Similarly, employees did not know until late last Congress whether the public pension offset would apply to FERS. Under the public pension offset, the amount of the benefit a person receives from Social Security as a spouse or surviving spouse will be reduced if that person also receives a pension based on his or her own work in Federal, State, or local government, which was not covered by Social Security. During the final days of the last Congress, the rules were changed so that if CSRS employees subject to the offset, which reduced Social Security benefits $2 for every $3 received from a CSRS pension, switched to FERS before December 31, 1987, they would in fact be exempt from the offset and would not have any Social Security benefits to which they were entitled decreased.

I have heard that employees did not elect to swtich to FERS because they believed that the Federal Government would design a system that worked to their disadvantage. However, I believe that our efforts produced a sound system that offers our civil servants a competitive, secure retirement plan. In particular, the FERS changes that were enacted into law in the last days of the 1st session of the 100th Congress were intended to benefit Federal employees, not to confuse them or to trick them into choosing a retirement plan that would serve to their detriment.

However, FERS is admittedly complex and requires employees to think about their future and to financially plan for it. FERS allows employees more freedom of choice and places responsibility upon them to shape their retirement future. The enactment of FERS imposed a massive education and training requirement. Government personnel offices served as financial counselors for employees who had never before been afforded any say in their individual retirement benefits.

With CSRS, our message to employees was "take it or leave it" and with FERS, employees are afforded a menu of choices.

Under OPM's leadership, agencies performed a lot of good work in trying to educate and advise employees, but perhaps we gave employees insufficient time to fully absorb the many changes involved.

I am going to briefly touch on the key provisions of FERS and how they differ with CSRS. FERS is made up of three components: The basic benefit, Social Security, and the thrift savings plan. Only the basic benefit is available to employees under CSRS—neither Social Security nor the thrift plan with the Government match is available to employees who do not switch from CSRS. The thrift plan is, literally, free money. A Federal employee can contribute up to 10 percent of his or her salary before taxes to the thrift account and the Government will add to that balance by providing a match of up to 5 percent. Under CSRS, there is no Government match to employee savings.

The thrift plan at present has grown to a $3.5 billion version of the tax deferred 401(k) plans that are available to many workers in the private sector. At present, the thrift plan is a thriving, growing account, and it is compounding at the rate of $7 million daily. It is no longer the unknown that it was in 1987. There are approximately 900,000 employees enrolled in FERS now and about 800,000 of those persons have thrift plans.

The Federal thrift plan is actually superior to similar private sector plans because the Federal Government makes a bigger contribution to employee accounts than do most private firms. The first 5 percent of the pay that an employee contributes to the thrift plan is matched by Government contributions of dollar for dollar for the first 3 percent contributed by the employee and 50 cents for every dollar for the next 2 percent of pay. There is no Government match for employee contributions above 5 percent of pay. In addition, employees can contribute nothing to the thrift account when they join FERS, and the Government will still establish an account in the employee's name and add 1 percent of pay, which will vest after the employee has worked in the executive branch for 3 years.

The thrift plan has three investment options. The G Fund, which is based upon Treasury securities, is now worth more than $3.5 billion. The C fund, the common stock index investment fund, is now worth $10 million, and the F fund, the fixed income investment fund, is valued at over $9 million. This growth is astronomical, considering that the G fund commenced operations in April 1987, and the C and F funds began operations in January 1988. Last year, the annualized rate of return for the G fund was 8.81 percent; the rate of return for the C fund was 11.84 percent, and the rate of return for the F fund was 3.63 percent.

So far this year, the 1989 G, C, and F fund monthly returns for January through April were 3 percent, 12.24 percent, and 3.15 percent, respectively. These figures are not expressed on an annualized basis. They represent the actual total rates of return used in the monthly allocation of earnings to individual accounts of participants in the thrift savings plan.

FERS is portable, unlike CSRS, and employee retirement benefits under FERS will retain value and grow over time. Under FERS, employees can take most retirement benefits with them when they leave Federal service and add them to future employment. Social Security credits will continue to add up. An employee's thrift savings plan account balance can be transferred to an individual retirement account [IRA] or a private sector employer's pension plan. To contrast the systems, under CSRS, retirement benefits are set when an employee leaves the Federal service and those benefits will not have the potential to increase over time.

FERS is flexible and will allow an employee to choose the retirement plan that is best suited to his or her needs. FERS allows an employee the three investment options mentioned previously and CSRS allows only one—the G fund. An employee can play an integral part in shaping his or her future under FERS.

Once Employees transfer from CSRS to FERS, those employees will be able to take advantage of the features of both systems. The general rule is that most employees keep the already earned CSRS benefits when they transfer.

Mr. President, my bill would give employees who now see that FERS is a better retirement option for them than CSRS the opportunity to make a truly informed decision about their retirement futures, and I urge support for this important legislation.

By Mr. PELL (for himself, Mrs. KASSEBAUM, and Mr. KENNEDY):

S. 1109. A bill to amend the Carl D. Perkins Vocational Education Act to extend the authorities contained in such act through the fiscal year 1995; to the Committee on Labor and Human Resources.

CARL. D. PERKINS VOCATIONAL EDUCATION ACT AUTHORIZATION

● Mr. PELL. Mr. President, today I am introducing, along with my colleagues Senator KASSEBAUM and Senator KENNEDY, a bill to reauthorize the Carl D. Perkins Vocational Education Act. This legislation provides for a simple extension of current law through fiscal year 1995. We are introducing this bill today with the intent that it serve as the vehicle for our reauthorization work later on this year.

I am very pleased to be joined by Senator KASSEBAUM and Senator KENNEDY in this endeavor. It is the spirit of bipartisan cooperation and consensus that has for many years guided the work of the Education Subcommittee, and it is our intent to continue that tradition by working closely together in developing a good, solid bipartisan reauthorization package.

We are hopeful to begin a series of hearings on reauthorization at the end of next month. I look forward to giving careful consideration to the opinions of the many players who have a strong interest in this Federal program, including the administration, educators and school officials, students, business and industry, and labor.

Our undertaking in this area is immense, for what we do in vocational education is critical not only to the interests of the individual students and adults who are served through this act, but will be essential as well to the strength of our economy as we round out this century.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CARL D. PERKINS VOCATIONAL EDUCATION ACT.

Section 3 of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2302) is amended—

(1) in subsection (a), by striking "1989" and inserting "1995";

(2) in subsection (b)(1), by striking "1989" and inserting "1995";

(3) in subsection (b)(2), by striking "1989" and inserting "1995";

(4) in subsection (b)(3)(A), by striking "and 1989" each place it appears and inserting "through 1995"; and

(5) in subsection (b)(3)(B), by striking "1989" and inserting "1995";

(6) in subsection (b)(4), by striking "1989" and inserting "1995";

(7) in subsection (b)(5)(A), by striking "1989" and inserting "1995";

(8) in subsection (b)(5)(B), by striking "and 1989" and inserting "through 1995";

(9) in subsection (c), by striking "1989" and inserting "1995"; and

(10) in subsection (d), by striking "1989" and inserting "1995".●

● Mrs. KASSEBAUM. Mr. President, I am pleased to join Senator PELL in introducing legislation to reauthorize the Carl D. Perkins Vocational Education Act.

If we are to meet the needs of the modern work place, strong vocational and technical training programs are a must. Reauthorization of the Perkins Act allows an opportunity to examine

how the Federal Government can most effectively support the training programs now in operation at both the secondary and postsecondary levels.

We will begin vocational education hearings this summer. I look forward to working with Senator PELL in identifying Federal priorities and shaping a sound reauthorization bill.●

By Mr. CRANSTON (by request):

S. 1110. A bill to amend title 38, United States Code, to authorize the Department of Veterans' Affairs to require mandatory disclosure of Social Security numbers in claims for disability and death benefits; to the Committee on Veterans' Affairs.

DISCLOSURE OF SOCIAL SECURITY NUMBERS IN CERTAIN CLAIMS OF VETERANS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1110, a bill to require disclosure of claimants' and dependents' Social Security numbers in all claims for VA disability and death benefits. The Secretary of Veterans' Affairs submitted this legislation by letter dated May 22, 1989, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the May 22, 1989, transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3001 of title 38, United States Code, is amended by adding the following new subsection:

"(c) Any person who applies for or is in receipt of any compensation or pension benefit under this title is required, as condition precedent to receipt or continued receipt of such benefits, where a social security number has been assigned, to provide to the Secretary upon request his or her social security number, and the social security number of any dependent or beneficiary on whose behalf, or based upon whom, such person applies for or is in receipt of any such benefits."

VETERANS ADMINISTRATION,
Washington DC, May 22, 1989.

Hon. DAN QUAYLE,
President of the Senate
Washington, DC.

DEAR MR. PRESIDENT: I am pleased to forward a draft bill to amend section 3001 of title 38 to authorize the Department of Veterans Affairs (VA) to require mandatory disclosure of claimants' and dependents' social security numbers in all claims for disability and death benefits. I respectfully request that the draft bill be referred to the appropriate committee and enacted promptly.

Section 7(a) of the Privacy Act of 1974, Pub. L. No. 93-579, prohibits any Federal, state, or local government agency from denying to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his or her social security number. However, this prohibition does not apply to any disclosure required by Federal statute. It further requires that any Federal agency which requests such a number shall inform the individual involved whether disclosure is mandatory or voluntary.

Currently, limited authority exists for mandatory disclosure of claimants' and dependents' social security numbers for pension claims and for compensation claims in which "outside income," as described in 38 C.F.R. § 1.575, is relevant. Our proposal would, in accordance with the Privacy Act, expand this authority to require mandatory disclosure of claimants' and dependents' social security numbers (where such number has been assigned) for all claims for disability and death benefits under title 38, United States Code. This proposal would not require persons to obtain social security numbers, but would simply require them to report to the VA social security numbers which have been issued by the Social Security Administration.

The current requirement of mandatory submission of social security numbers in claims for VA benefits affected by "outside income" was intended to assist the VA in verifying reported income so as to detect and eliminate fraud and abuse. Subsequently, it has become apparent that benefits which may not be contingent upon income also require monitoring to protect against fraud and abuse. For example, disability compensation may not be paid concurrently with military retired pay or drill pay for reserve duty. Dependency and indemnity compensation may not be paid concurrently with Survivor Benefit Program payments made by the Department of Defense. To control effectively against such unwarranted dual payments, cross checking to verify information establishing the right to benefits is required.

Identifying information such as names and birth dates, which are frequently used in verification, may not conclusively establish identities due to the frequency with which individuals have common names and birth dates. As each individual's social security number is unique, it is the most reliable identifier available.

The Department's Office of Inspector General has conducted a number of computer matches comparing State wage files with VA pension records to determine if employment and earned income are accurately reported by pension recipients. The use of the social security number has been instrumental in the process of identifying veterans with overpayments or ineligible veterans receiving pension benefits. By the end of fiscal year 1987, the Inspector General had identified approximately 5,400 pensioners receiving overpayments totaling $33 million.

Costs to gather and maintain SSN's would be insignificant, although revision of some VA forms would be needed in order to obtain the information in routine fashion. The savings which would result from reduction of unwarranted payments are undetermined.

The Office of Management and Budget advises that there is no objection to the submission of the draft bill to the Congress from the standpoint of the Administration's program.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

By Mr. DOMENICI:

S. 1111. A bill to allow the leasing of certain lands to Roswell, NM; to the Committee on Labor and Human Resources.

LEASING OF CERTAIN LANDS TO ROSWELL, NEW MEXICO

● Mr. DOMENICI. Mr. President, today I am introducing legislation that would allow a presently underutilized facility at Eastern New Mexico University in Roswell, NM, to be leased to the city of Roswell.

The property in question, approximately 42 acres, was deeded to Eastern New Mexico University in 1968 by the Department of Education (at that time the Department of Health, Education and Welfare). As is the case with most property sold by the Federal Government, certain restrictions accompanied the sale of the property.

It is those covenants contained in the 1968 deed, in a correction deed recorded in 1969, and restrictions required by the Federal Property and Administrative Services Act, that now prevent the university from leasing the property to the city of Roswell.

This legislation is quite simple, Mr. President. It removes the restrictive covenants, thereby allowing the city of Roswell to put the property to good use.

I don't believe this legislation should be controversial and urge that my colleagues act swiftly to enact it into law.●

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. MITCHELL, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. REID):

S. 1112. A bill to amend the Solid Waste Disposal Act, and for other purposes; to the Committee on Environment and Public Works.

SOLID WASTE DISPOSAL ACT AMENDMENTS

Mr. CHAFEE. Mr. President, today I, along with Senators BAUCUS, BURDICK, DURENBERGER, LIEBERMAN, MOYNIHAN, MITCHELL, JEFFORDS, REID and LAUTENBERG, am introducing the Municipal Solid Waste Source Reduction and Recycling Act of 1989. It is also worth noting that this legislation has

the strong backing of the environmental community, including the Natural Resources Defense Council, the Environmental Defense Fund, Environmental Action, and the Sierra Club.

I am also pleased to express my strong support for the Waste Minimization and Control Act, a bill just introduced by my colleague on the Environment and Public Works Committee, Senator BAUCUS. Together these bills lay the foundation for reauthorization of the Resource Conservation and Recovery Act. These two bills focus on subtitle D of the law and will provide States with the policy direction, technical support and financial assistance to effectively manage the municipal solid waste within their borders. Separate legislation focusing on the hazardous waste portion of the law, subtitle C, will be introduced later this year.

Senator BAUCUS is a recognized leader in the effort to reduce and intelligently manage our municipal solid waste. I look forward to working with him as we move ahead to solve the solid waste crisis, which affects virtually every region of this country.

No one disputes that the volume of waste we are producing as a nation is increasing at an alarming rate. This trend is gaining momentum as we turn more and more to over-packaged and disposable products. The amount of trash we are producing is staggering: as much as 1 ton a year, man, woman, and child.

For thousands of communities across the country, the problem of waste disposal is a real and immediate concern. It is no longer an option to simply burn household waste, or to dump it in open pits. Concern for air quality and ground water protection preclude these options. More environmentally sound disposal methods are required, such as waste-to-energy facilities that have state-of-the-art pollution control equipment to sharply limit air emissions; and well-managed landfills with liners and leak detection devices to protect ground water. Facilities such as these are expensive. Escalating disposal costs are demanding an increasing percentage of limited community budgets.

Many landfills, which once provided an inexpensive and relatively simple solution are now closing, either because they are full, or because they are woefully short of State and Federal environmental protection standards. In the last two decades the number of landfills accepting solid waste has been reduced dramatically, from about 30,000 to 6,000. And just try to site a new landfill almost anywhere in this country. One encounters a hailstorm of opposition from well-organized community groups who understandably oppose any new landfills in their backyard.

Incinerators, which many communities are building in response to limited landfill capacity, also pose problems. Unless the incinerator is operating efficiently and has state-of-the-art scrubber equipment, it can release dangerous air pollutants into the atmosphere. Even if there are proper air pollution controls, what does one do with the ash?

All of this has led communities across the country, and many of us in Congress, to realize that the solution to the solid waste crisis lies in utilizing garbage as a resource. By establishing a strict hierarchy of management options, we can extract all of the value from garbage before it goes to the landfill. Not only will this significantly decrease the amount of trash entering landfills, extending the landfill's life, but it will also greatly reduce the threat of environmental damage.

A soon to be released report by the Office of Technology Assessment notes that "The Resource Conservation and Recovery Act does not contain a statement of national policy for municipal solid waste. Indeed the lack of a clear statement of national goals for municipal solid waste possibly has contributed to the general lack of Federal leadership in this area."

The bill I am introducing today remedies this problem. It clearly establishes a national policy for dealing with municipal solid waste, and gives the highest priority to: First, reducing the amount of waste we produce; second, recycling waste to the maximum extent possible; third, recovering energy from our waste; fourth, incinerating waste to reduce the volume and recover energy; and last, disposing of what remains in environmentally sound landfills.

My bill clearly establishes source reduction and recycling as the preferred options for managing solid waste, and provides a framework for achieving ambitious national goals in these areas.

I would like to make it clear, Mr. President, that the bills being introduced by Senator BAUCUS and myself are complimentary, and will provide the basis for the Environment and Public Works Committee consideration of the solid waste portion of RCRA. The reauthorization of RCRA is a major priority for our committee, second only to reauthorization of the Clean Air Act. I am confident that in the weeks and months ahead we will be able to forge intelligent, forward-looking legislation which will enable the Federal Government to assist states and localities in addressing the solid waste crisis.

Mr. President, a summary of Municipal Solid Waste Source Reduction Act of 1989 follows:

The bill establishes a national recycling goal of 25 percent in 4 years and 50 percent in 10 years. It also establishes a source reduction goal of 10 percent in 4 years. While these goals are ambitious, they will force us to re-evaluate our current approach to waste management.

In addition, the bill will establish an Office of Waste Reduction within the Environmental Protection Agency. This office will be responsible for:

First, designing and implementing a program of public education to encourage source reduction and recycling;

Second, publishing a list of products containing toxic chemicals that must be removed from the municipal solid waste stream;

Third, requiring that certain plastic packaging and products bear a symbol identifying what type of plastic the product is made from, to aid in sorting plastic for recycling; and

Fourth, establishing a Waste Reduction Clearinghouse that will serve as a center for source reduction and recycling technology transfer, and will actively promote the sale of recyclable materials by publishing current information on the supply of and demand for these materials.

The legislation amends the Solid Waste Disposal Act to require states to submit detailed plans outlining how they will accomplish the national recycling goals. States will have to take a hard look at all the options for managing waste over a 20-year timeframe, including the thorny issue of where to site new landfills, incinerators and recycling facilities. In applying the hierarchy of waste management options, states will have to consider seriously source reduction and recycling as a means of solving their solid waste problems.

The bill will also give the Administrator the authority to delay the building of incinerators if he determines that a State has not taken "reasonable steps" to promote source reduction and recycling, or that the incineration capacity of a State will exceed 50 percent if additional capacity is built.

The legislation will also:

Ban the use of cadmium, a highly toxic heavy metal, as a pigment. Presently, cadmium is used to enhance the color of certain packaging or products, even though perfectly good organic safe substitutes are available. Several European nations and Sweden have already banned the use of cadmium as a pigment.

Ensure that virtually all vehicle batteries are recycled, by banning their disposal in landfills or incinerators, and requiring that those who sell you a battery must accept your old battery. These retailers would then deliver the old batteries to wholesalers or battery recyclers, removing them entirely from the waste stream. This will eliminate a significant source of the

lead we are finding in landfills and incinerator ash. The average car battery contains up to 20 pounds of lead. This provision has been endorsed by the Battery Council International, the largest battery trade association.

Establish a Product and Packaging Advisory Board, composed of industry and citizen group representatives. This board will recommend to the Administrator broad standards for packaging which will address the design, volume, reuse, recyclability, degradability, toxicity and disposability of packaging. It is worth noting, Mr. President, that the National Association of Counties has passed a resolution calling for national packaging standards, as provided for in this legislation.

Require the Administrator to develop criteria for the use of a seal, similar to the Good Housekeeping Seal, which certifies that a product is recyclable or reusable. This will enable consumers to make informed choices about which products are better for the environment.

Mr. President, two issues that cross the line from the municipal solid waste side of the problem to the hazardous waste side of the problem are first, how to handle the export of waste from this country, and second, how to regulate the so-called special wastes—those for which regulation under subtitle C of RCRA was suspended pending further study.

Regarding the export of hazardous waste, we dealt with this issue in 1984 when we last amended RCRA. We adopted an amendment by the majority leader, who was then ranking member of our subcommittee, to add new requirements and to prevent the dumping of waste on unsuspecting less developed countries. Since then, a new international agreement on this subject has been negotiated.

Whether the 1984 law or the new international agreement are sufficient will be the subject of hearings later this year. In the meantime, I am not convinced that it is necessary or appropriate to enact an outright ban on the export of waste to all countries that do not have regulatory programs that match ours. The problems that such a ban would cause for New England industries, such as the jewelry industry in Rhode Island, is an area we need to examine.

The special waste problem is even more difficult. I am not convinced that we should be exempting all of these hazardous wastes from the requirements of subtitle C and substituting an entirely new regulatory program—a program that will be years in the making. Hazardous wastes should be regulated under subtitle C of RCRA.

If there are specific portions of that subtitle that cannot be applied to particular waste streams, the generators of these wastes should identify them and bring them to our attention. We can amend the law and insert exceptions to address their concerns.

We plan to hold several hearings on this bill, and the companion bill being offered by Senator BAUCUS. Several refinements can be made, including refinements to the definitions used in the bill. I am certain we will receive a great deal of comment from the States, environmental groups and industry. We welcome this input.

Mr. President, I urge my colleagues in the Senate to join us in supporting this overdue and important legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Municipal Solid Waste Source Reduction and Recycling Act of 1989".

TABLE OF CONTENTS

SEC. 101. CONGRESSIONAL FINDINGS.

(a) Section 1002(a) of the Solid Waste Disposal Act is amended by adding the following after paragraph (3) and renumbering paragraph (4) accordingly:

"(4) that the continued generation of enormous volumes of solid waste each year, including hazardous waste and solid waste containing hazardous substances, presents unacceptable threats to human health and the environment;

"(5) that packaging and packaging materials constitute 30 percent by weight of the municipal solid waste stream and an even higher percentage of the volume;

"(6) that, as a result of the inability to site new solid waste management facilities, too many communities are managing waste in units that were not designed with the best available environmental controls;

"(7) that the generation of hazardous waste and solid waste must be reduced and as much remaining waste as possible must be recycled to protect human health and the environment and to minimize treatment and disposal capacity problems;

"(8) that local governments should be an integral component of the decision-making process regarding the management of municipal solid waste;

"(9) that the success of source reduction and recycling programs depends on participation of an informed public; and".

(b) Section 1002(b) of the Solid Waste Disposal Act is amended by—

(1) striking "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) adding the following new paragraphs after paragraph (8):

"(9) source reduction and recycling represent the most environmentally sound means of managing municipal solid waste, and can often be carried out with a lower cost than is incurred by other means;

"(10) government policies and incentives should give priority to the most environmentally sound waste management methods; and

"(11) developing a system of waste management that, to the greatest extent practicable, separates elements of the waste stream that require special management or that are in demand for reuse or recycling will enhance the economic feasibility and environmental safety of all management methods, including recycling, incineration, and land disposal.".

(c) Section 1002(d) of the Solid Waste Disposal Act is amended to read as follows:

"(d) ENERGY.—The Congress finds with respect to energy, that—

"(1) the need exists to reduce energy consumption in order to reduce the atmospheric carbon dioxide pollution that is contributing to the greenhouse effect and uncontrolled global climate change; and

"(2) source reduction and recycling represent cost-effective, environmentally sound methods of (A) energy conservation, and (B) reducing emissions of carbon dioxide.".

SEC. 102. OBJECTIVES AND NATIONAL POLICY.

(a) Section 1003(a)(6) of the Solid Waste Disposal Act is amended by inserting "solid waste, including" immediately before "hazardous waste" each time it appears and by inserting a comma immediately after "hazardous waste" each time it appears.

(b) Section 1003(a)(4) of the Solid Waste Disposal Act is amended by inserting "solid waste management practices, including" immediately before the phrase "hazardous waste management" and by inserting a comma immediately after such phrase.

(c) Section 1003(a)(5) of the Solid Waste Disposal Act is amended by inserting "solid waste, including" immediately before "hazardous waste" and by inserting a comma immediately after "hazardous waste".

(d) Section 1003(a) of the Solid Waste Disposal Act is amended by adding the following new paragraphs after paragraph (7) and renumbering the remaining paragraphs accordingly:

"(8) establishing a Federal-State partnership that will assure the existence of a waste management system that is protective of human health and the environment;

"(9) creating and strengthening markets for recycled materials and promoting the re-

cycling of waste to the maximum extent possible.".

(e) Section 1003(b) of the Solid Waste Disposal Act is amended by inserting "(1)" immediately before the "The Congress" and by adding the following new paragraphs:

"(2) The Congress hereby declares it to be the national policy of the United States that Federal, state and local solid waste management systems shall pursue waste prevention and management options and policies that minimize the present and future threat to human health and the environment and rely, in priority order, on: source reduction; recycling; energy recovery; waste treatment; and contained disposal so as to minimize the present and future threat to human health and the environment.

"(3) Congress further declares it to be the national policy to recycle solid waste to the maximum extent achievable and, where market demand is inadequate to absorb increased supplies of recycled materials, to foster the creation and strengthening of markets for such materials.".

SEC. 103. DEFINITIONS.

Section 1004 of the Solid Waste Disposal Act is amended by adding the following at the end thereof:

"(41) The term 'municipal solid waste' means solid waste collected from commercial establishments, institutions or the general public, including single and multiple residences, other than solid waste which is regulated under subtitle C of this Act.

"(42) The terms 'recycle' and 'recycling' mean any process by which solid waste is collected, separated, and processed for reuse as either a raw material or a product but does not include combustion of waste for purposes of energy recovery or volume reduction.

"(43) The term 'recyclable material' means waste material that can be diverted from solid waste and recycled but does not include material generated from, and commonly reused within, an original manufacturing process.

"(44) The term 'source reduction' means reducing, at the point of production or use, the volume or toxicity of materials, items, or products that ultimately become solid waste and includes the reuse of materials, items, or products prior to recycling.

"(45) The term 'unreasonable price' means a price that exceeds, by more than 10 per cent, the price of alternative items that meet applicable performance standards.

"(46) The term 'waste-to-energy facility' means any waste treatment facility at which municipal solid waste is processed to recover energy.

"(47) The term 'waste reduction' includes source reduction and recycling.

"(48) The term 'waste treatment' means any method, technique, or process, including combustion, that reduces the volume or toxicity of waste.".

SEC. 104. SOURCE REDUCTION AND RECYCLING GOALS

Section 1003 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(c) SOURCE REDUCTION AND RECYCLING GOALS.—

"The Congress hereby establishes as national goals:

"(1) a 10 percent reduction in municipal solid waste by 1993 as a result of source reduction;

"(2) a 25 percent reduction in municipal solid waste by 1993 as a result of recycling; and

"(3) a 50 percent reduction in municipal solid waste by 1999 as a result of recycling.".

SEC. 105. OBJECTIVES OF SUBTITLE D

Section 4001 of the Solid Waste Disposal Act is amended by designating the existing text as subsection (a) and adding the following new subsection:

"(b) To further the objectives of this subtitle, the Administrator shall:

"(1) promote source reduction and recycling methods and opportunities by providing technical assistance to states, local governments, and the business and industrial community;

"(2) promote the introduction of source reduction and recycling principles into school curricula, including engineering, management, and educational curricula, by providing technical assistance to the educational community;

"(3) promote public understanding of and participation in programs to achieve source reduction and recycling;

"(4) encourage the manufacture and use of products and packaging that contribute to source reduction or recyling;

"(5) propose strategies to reduce toxic constituents in consumer products by, in priority order, (A) prohibiting, to the greatest extent practicable, the use of toxic materials in consumer products; (B) where no alternative exists to the use of such toxic materials, promulgating regulations requiring that the use of such materials be minimized; and (C) prescribing the development and implementation of collection systems or other diversion strategies to assure safe storage, treatment and disposal of such products; and

"(6) assure that all existing and proposed programs, policies, regulations guidelines of the Environmental Protection Agency are consistent with the source reduction and recycling goals of this Act.".

SEC. 106. OFFICE OF WASTE REDUCTION.

(a) The duties and responsibilities of the Administrator under this Act shall be carried out through an Office of Waste Reduction that shall be established by the Administrator and shall be responsible for fufilling the duties established in section 105. In carrying out these duties and responsibilities, the Administrator shall seek the advice of other governmental agencies and non-government organizations, including but not limited to those with expertise in education, promotional campaigns, and market development.

(b) The Administrator shall prescribe such regulations as are necessary to carryout this Act including, but not limited to, the following:

(1) Not later than 12 months after enactment of this Act, the Administrator shall develop and prescribe a standardized methodology for calculating all cost of solid waste management, including the cost of services contracted from private vendors, the direct costs associated with the collection and transportation of solid wastes, as well as the indirect costs associated with designing, constructing, operating, maintaining, monitoring, insuring, closing, providing post-closure care, providing corrective action and demonstrating financial responsibility for solid waste management facilities. Such methodology shall be made available to the States and regions for use in implementing Section 4003 of the Solid Waste Disposal Act. The Administrator shall consult with state and local agencies in the course of developing such methodology.

(2) Not later than 12 months after enactment of this Act, the Administrator shall develop decisionmaking models to assist state and local governments in the selection and integration of waste management services. Such models shall address considerations of choosing public or private waste management services. Such models shall include methods that have been effectively demonstrated to (a) properly estimate the needs of the service area, (b) properly site waste service facilities, and (c) provide reasonable methods for comparing costs and risks among alternatives.

(3) Not later than 18 months after enactment of this Act, the Administrator shall (A) review and consider the recommendations of the Product and Packaging Advisory Board as reported under section 110 of this Act, and (B) develop and publish criteria for use of a standardized, national recycling seal or symbol. The criteria developed by the Administrator shall identify the conditions that must be satisfied before a product may be characterized as recyclable or as containing recycled materials and identified as such by use of the recycling seal or symbol. Only products that satisfy all such criteria may be identified by use of the recycling seal or symbol.

(4) Not later than 18 months after enactment of this Act, the Administrator shall promulgate regulations providing that plastic packaging and products sold in commerce shall bear a standardized label identifying the plastic resin used to produce the product. Such labels shall be distinct from the recycling seal or symbol referred to in paragraph (2) of this subsection and shall be designed to avoid confusion or misrepresentation concerning the recycled content or recyclability of such product. Such regulations shall provide a period, not to exceed 6 months after promulgation of the regulation, to allow for the use of existing stocks of plastic packaging and products without such a label and to allow the packaging industry to incorporate the use of such a label in packaging and other products. In developing such regulations, the Administrator shall review and consider the recommendations of the Products and Packaging Advisory Board as reported under section 110 of this Act.

(5) Not later than 24 months after enactment of this Act, the Administrator shall promulgate regulations establishing national packaging standards to (A) minimize the quantity of packaging material in the waste stream; (B) minimize the consumption of scarce natural resources; (C) eliminate, to the greatest extent practicable, the use of toxic materials in packaging; (D) maximize the recycling and reuse of packaging; (E) reduce litter; and (F) assure that human health and the environment will not be affected adversely as a result of the use and disposal of packaging. Such regulations shall specify the effective date, not to exceed 5 years after promulgation, by which packaging manufacturers shall comply with the standards. After such date, any person who manufactures packaging that is not in compliance with such standards shall be subject to enforcement proceedings under sections 117 and 119 of this Act. In developing such regulations, the Administrator shall review and consider the recommendations of the Products and Packaging Advisory Board as reported under Section 110 of this Act.

SEC. 107. SOURCE REDUCTION AND RECYCLING PUBLIC INFORMATION, EDUCATION AND CLEARINGHOUSE.

(a) PUBLIC INFORMATION AND EDUCATION.—The Administrator shall, in consultation

with the Secretary of Education and other experts in public education and promotional compaigns, develop and implement a program of information and education to foster an increased understanding of the societal benefits derived from source reduction and recycling. Such program shall be designed to encourage all citizens and organizations to participate actively in State and regional source reduction and recycling programs and shall include, but not be limited to (1) a model course curriculum to educate elementary and secondary school aged children about the societal benefits of and opportunities to participate in source reduction and recycling programs; (2) public service announcements; (3) news media campaigns; and (4) brochures or other information to be distributed at retail establishments.

(b) CLEARINGHOUSE.—The Administrator shall establish a source reduction clearing house to collect, compile, evaluate and disseminate information generated by states, businesses, and localities on the effectiveness of various source reduction and recycling techniques. The clearinghouse shall—

(1) serve as a center for the exchange of information regarding source reduction and recycling technologies;

(2) encourage programs to promote the adoption of source reductions and recycling technologies;

(3) compile and make available to state agencies and the public existing state or private directories of markets for recycled or recyclable materials; and

(4) promote the domestic and international exchange of recyclable materials by disseminating, on a regular basis, current information on the domestic and international supply of and demand for recyclable materials.

SEC. 108. HAZARDOUS CONSTITUENTS IN PRODUCTS.

(a) BAN ON CADMIUM.—Effective 12 months after enactment of this Act—

(1) the use of cadmium as a pigment and the importation of products containing cadmium as a pigment is prohibited; and

(2) the use of cadmium for all other nonessential purposes and the importation of products containing cadmium for nonessential purposes is prohibited.

For the purposes of the preceding clause (2), use of cadmium shall be deemed nonessential in instances where alternative substances are available and, in the judgment of the Administrator, such alternative substances present a lesser degree of risk to human health and the environment than the use of cadmium.

(b) OTHER HAZARDOUS CONSTITUENT.—If the Administrator determines that, on the basis of the constituents of any product or article, the disposal or incineration of such product or article, including the management of ash from incineration of such product or article, may prevent a threat to human health or the environment, the Administrator shall promulgate regulations regarding the production, distribution, or disposal of such product or article or its residue, as may be necessary to protect human health and the environment. Such regulations shall include—

(1) prohibitions or limitations on the manufacture, processing or distribution of such product or article;

(2) prohibitions or limitations on allowable concentrations of any substances which may present a hazard in the composition of the product or article or the residue of such product or article;

(3) requirements to mark or label such product or article in a manner that will alert consumers to the presence of hazardous constituents, including instructions for the proper disposal of such product or article or its residues;

(4) requirements to recover or recycle such products or articles, including the imposition of fees on the original sale of such product or article;

(5) requirements that state solid waste management plans prepared and approved under sections 4003 and 4007 of the Solid Waste Disposal Act provide for the separation, collection and recycling or safe disposal of such products or articles or residues to prevent, to the maximum extent practicable, any threat to human health or the environment which may result from the disposal or incineration of such products, articles or their residues, including the management of ash from incineration of such products or articles; or

(6) requirements for the safe disposal of such product or article or its residues.

The authority and requirements of this subsection shall in no way be deemed to diminish, affect or modify the authorities and requirements that may be applicable pursuant to subtitle C of the Solid Waste Disposal Act.

(c) Not later than twenty-four months after the date of enactment of this Act, the Administrator shall, with respect to lead, mercury, cadmium and other heavy metals in batteries, pigments, stabilizers, consumer electronics, plastics, glass, inks and paints, and other products, make a determination under subsection (b) of this section. If the Administrator determines that articles or products containing lead, mercury, cadmium or other heavy metals are presenting or may present a threat to human health or the environment, regulations having an effective date not later than forty-eight months after the date of enactment of this Act, shall be promulgated in accordance with subsection of this Act, shall be promulgated in accordance with subsection (b).

SEC. 109. RECYCLING OF LEAD-ACID BATTERIES.

(a) BAN ON LANDFILLING OR INCINERATION OF LEAD-ACID BATTERIES.—Effective twelve months after the date of enactment of this Act—

(1) the placement of lead-acid batteries in landfills and the incineration of such batteries is prohibited;

(2) it shall be unlawful for any person to place a used lead-acid battery in mixed municipal solid waste or to discard or otherwise dispose of a lead-acid battery except by delivery to (A) an automotive battery retailer or wholesaler, (B) a permitted secondary lead smelter, or (C) a state-approved collection or recycling facility; and

(3) it shall be unlawful for any automotive battery retailer or wholesaler to dispose of a used lead-acid battery except by delivery to (A) a permitted secondary lead smelter, (B) a state-approved collection or recycling facility, (C) a battery manufacturer, or (D) in the case of a battery retailer, to the agent of a battery wholesaler.

(b) Each battery disposed of improperly shall constitute a separate violation of this Act.

(c) Any person selling lead-acid batteries or offering lead-acid batteries for sale shall be required to accept from customers, at the point of transfer, used lead-acid batteries of the type and in a quantity at least equal to the number of new batteries purchased, if offered by customers.

(d) Any person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale shall be required to post written notice (1) clearly visible in a public area of the establishment; (2) at least 8½ inches by 11 inches in size, and (3) containing the following language:

(A) "It is illegal to throw away a motor vehicle battery or other lead-acid battery.";

(B) "Recycle your used batteries."; and

(C) "Federal law requires us to accept used motor vehicle batteries or other lead-acid batteries for recycling, in exchange for new batteries purchased.".

(e) It shall be unlawful to sell any lead-acid battery after January 1, 1990 unless such battery bears a permanent label stating:

(1) "It is illegal to throw away a motor vehicle battery or other lead-acid battery."; and

(2) "Federal law requires battery retailers to accept used lead-acid batteries for recycling in exchange for new batteries purchased.".

(f) Nothing in this Act shall be construed to prohibit state or local governments from requiring deposits on the sale of lead-acid batteries or other batteries.

SEC. 110. PRODUCTS AND PACKAGING ADVISORY BOARD.

(a) ESTABLISHMENT AND COMPOSITION OF THE BOARD.—The Administrator shall, as soon after enactment of this Act as is practicable, establish a Product and Packaging Advisory Board that shall consist of not less than 11 people, including:

(1) an individual with expertise in packaging and product design;

(2) a representative of product and packaging manufacturers;

(3) a representative of consumer interests;

(4) a representative from environmental organizations;

(5) an elected or appointed state government official;

(6) an elected or appointed local government official; and

(7) a representative from each of the following industries: paper, glass, aluminum, and plastic.

(b) PURPOSES OF THE BOARD.—(1) Within 12 months following establishment of the Board it shall submit a report to the Administrator containing recommendations concerning the development and implementation of a comprehensive program to: (A) minimize the quantity of packaging and other material in the waste stream; (B) minimize the consumption of scarce natural resources in the production and use of packaging; (C) eliminate the use of toxic materials in packaging and products; (D) maximize the recycling and reuse of packaging; (E) reduce litter; and (F) assure that human health and the environment will not be affected adversely as a result of the use and disposal of packaging and products.

(2) In making its recommendations to the Administrator, the Board shall consider: (A) cost, convenience, and safety of consumer products; (B) environmental impacts of production, use, and disposal of various products and packaging; and (C) the availability of alternatives to current products and practices.

(3) The Board's report shall include recommendations relating to, but not limited to, the following topics:

(A) criteria for use of a recycling seal or symbol to inform consumers about the reusability and recyclability of consumer products and packaging;

(B) a mandatory labeling system for plastic containers of household goods, and other plastic containers or packaging, which will identify the plastic resin used to produce the product and facilitate the separation of various plastic packages on the basis of plastic type by recycling groups, businesses or individuals; and

(C) national packaging standards for the design, composition (including hazardous constituents, recyclability and degradability), volume, reuse, and disposal of product packages and packaging materials used in consumer products that, if implemented, will further the purposes of this Act.

SEC. 111. FEDERAL AGENCY ACTIONS.

(a) FEDERAL PROCUREMENT.—(1) Section 6002(e) of the Solid Waste Disposal Act is amended by inserting the following immediately after "The Administrator shall prepare final guidelines":

"for glass and ferrous and non-ferrous metals within 12 months after the enactment of the Municipal Solid Waste Source Reduction and Recycling Act, for plastic and compost within 24 months after the enactment of the Municipal Solid Waste Source Reduction and Recycling Act, for rubber from ground tires to be used as road-cover within 30 months after the enactment of the Municipal Solid Waste Source Reduction and Recycling Act,".

(2) Within 6 months after the enactment of this Act, the Administrator shall revise existing guidelines to reflect the definition of "unreasonable price" added to the Solid Waste Disposal Act by section 103 of this Act.

(3) Within 18 months after the enactment of this Act, and annually thereafter, the Administrator of the General Services Administration shall report to Congress on the numbers, types and prices of items procured by each federal agency during the preceding 12 month period. Such report shall be compiled after consultation with the chief procurement officer of each agency and shall include an analysis of each agency's policies and practices with respect to the procurement of products containing recycled or recovered materials as well as an analysis of any obstacles or impediments to obtaining such materials.

(4) Section 6002(f) of the Solid Waste Disposal Act is amended by deleting "energy and resource recovery" and inserting in lieu thereof "recycling".

(5) Section 6002(i) of the Solid Waste Disposal Act is amended by striking the caption "PROCUREMENT PROGRAM" and inserting in lieu thereof "GENERAL AGENCY DUTIES" and by adding the following new paragraph at the end thereof:

"(4) Each Federal agency shall take such steps as are necessary to assure that agency actions do not discriminate against the use of materials that contribute to source reduction or recycling of municipal waste. Such steps shall include the development and implementation of a waste reduction plan that establishes agency policies and procedures to facilitate:

"(A) dual-sided copying, including the purchase or lease of machines that easily accommodate such copying;

"(B) reducing paper waste, including reuse of envelopes, file folders, and corrugated boxes whenever practicable;

"(C) purchasing products and articles that contain recycled materials;

"(D) purchasing products and packaging materials that can be reused or recycled;

"(E) purchasing nonhazardous products in place of comparable products that contain hazardous constitutents; and

"(F) replacing plastic food service utensils (including plates and containers) with washable or recyclable tableware.

"Copies of such plans shall be forwarded to the Environmental Protection Agency, General Services Administration, Committee on Environment and Public Works in the Senate and to the appropriate committee in the House of Representatives not later than 24 months after the enactment of the Municipal Solid Waste Source Reduction and Recycling Act.".

(b) WASTE REDUCTION PETITIONS.—The Solid Waste Disposal Act is amended by adding the following new section:

"SEC. 6005. (a) WASTE REDUCTION PETITIONS.—Any person may petition a Federal agency to undertake a waste reduction action in conjunction with any action authorized, funded or carried out by such agency. Such waste reduction action shall be undertaken by the agency if—

"(1) undertaking the waste reduction action which is the subject of the petition would bring about an increase of not less than 10 percent in recycled content of an item described in the petition or a reduction of not less than 10 percent in the total volume or toxic constituents of a solid waste described in the petition;

"(2) undertaking the petitioned action would be consistent with existing statutory requirements; and

"(3) undertaking the petitioned action would not increase costs (including costs of waste management and disposal) or would bring about a net saving in such costs.

"(b) PETITION NOTIFICATION.—(1) Within ninety days after receipt of a petition under this section, a Federal agency shall notify the petitioner whether the petition presents substantial evidence warranting review. If the agency finds that the petition does not present such evidence, it shall so notify the petitioner.

"(2) If an agency finds that the petition presents substantial evidence that may satisfy the requirements of subsection (a), the agency shall notify the petitioner of such finding and conduct a review based upon the information in the petition and any other information available to the agency. Not later than twelve months after such a finding that substantial evidence exists, the agency shall deny the petition or grant the petition in whole or in part and explain the steps that will be taken to implement the petition or parts thereof. If the agency denies the petition, the agency shall notify the petitioner and shall explain in writing the basis for concluding that the requirements of subsection (a) are not met.".

(c) FEDERAL CONTRACTS.—The Solid Waste Disposal Act is amended by adding the following new section:

"SEC. 6006. FEDERAL CONTRACT.—Any Federal agency that issues a contract to any person, including local or State governments or other Federal agencies, shall, with respect to any contract valued at $1,000,000 or more, require such contractor to use recycled materials in performance of the contract. Such agency shall, in consultation with the Administrator and pursuant to guidelines on recycled materials required under section 6002, include in specifications for such contracts those aspects of contract performance which shall be fulfilled with recycled materials. No requirement to use recycled materials shall be imposed in cases where such materials are not available or are not available at a cost of not more than 10 per cent more than the cost of non-recycled materials and the contractor files a certification of such nonavailability.".

SEC. 2. STATE AND REGIONAL PLANNING.

(a) Section 4002(b) of the Solid Waste Disposal Act is amended by inserting "and shall be revised to reflect the requirements and provisions of the Municipal Solid Waste Source Reduction and Recycling Act" immediately after the reference to section 4001 and before the period at the end of the second sentence.

(b) Section 4003(a) of the Solid Waste Disposal Act is amended by striking paragraph (6) and inserting the following new paragraphs in lieu thereof:

"(6) The plan shall (A) provide for the identification of the amounts and types of municipal solid waste, waste residuals and industrial waste that are reasonably expected to be generated within the State or accepted for delivery from another state during the ensuing 20-year period; (B) included projections of capacity within the State to manage such wastes by means of landfilling, incinerating, and recycling; and (C) include estimates, in accordance with procedures to be developed by the Administrator, of the volumes of such waste and waste residuals that, as a result of source reduction and recycling, will not require management in solid waste landfills or incinerators.

"(7) The plan shall establish a hierarchy among solid waste management practices that are consistent with the source reduction and recycling goals of this Act. The plan shall also include such measures as may be necessary to achieve such source reduction and recycling goals and shall specify interim deadlines for implementation of each source reduction and recycling measure necessary to achieve the goals of this Act. If the state's economic conditions preclude achievement of the goals of this Act, alternative goals shall be established in consultation and with the approval of the Administrator.

"(8) The plan shall include provisions for the removal from the municipal solid waste stream, to the maximum extent practicable, and safe management of any product or article designated by the Administrator under section 108 of the Municipal Solid Waste Source Reduction and Recycling Act as a threat to human health or the environment.

"(9) The plan shall include provisions to inform each taxpayer of the nature of any solid waste management services provided through public funding and the amount of each such person's taxes that are attributable to the cost of municipal solid waste management, including the cost of collection, administration, transportation, and debt service. Such information shall be computed on the basis of a standardized accounting formula provided by the Administrator in accordance with section 106 (b)(1) of the Municipal Solid Waste Source Reduction and Recycling Act and shall include an estimate of the costs of waste management avoided or incurred as the result of source reduction and recycling.

"(10) The plan shall identify existing state and regional markets for recyclable materials and actions that the State will take to promote the development of recycling markets consistent with the information developed pursuant to section 107.

"(11) The plan shall include a list of all municipal solid waste landfills, including all open and closed facilities, at which the re-

covery of methane gas is economically and technically feasible.

"(12) The plan shall include a description of current programs and proposed programs to promote source reduction and recycling. Such programs shall include public education campaigns and the plan's description of such programs shall include, but not be limited to, the following areas:

"(A) coordination among state and local officials, including public education officials;

"(B) course curriculum development for primary and secondary schools regarding the benefits of and opportunities to participate in source reduction and recycling programs; and

"(C) projects to inform all members of the public and private sectors, including government agencies, institutions, the industrial and business communities, and consumers, of the benefits of and opportunities to participate in source reduction and recycling programs.

"(13) The plan shall include provisions to facilitate the siting of environmentally sound facilities that will be used for the transportation, separation and processing of recyclable materials, including materials recovery facilities.".

(c) Section 4003(d) of the Solid Waste Disposal Act is amended to read as follows:

"(d) WASTE-TO-ENERGY FACILITIES.—(1) It is the intention of this Act and the planning process developed pursuant to this Act that determinations regarding the need for or size of waste-to-energy facilities for solid waste management shall not in any way interfere with the achievement, to the maximum extent possible, of the source reduction and recycling goals of this Act.".

"(2) Effective 24 months after the enactment of the Municipal Solid Waste Reduction and Recycling Act, no Federal financing shall be provided nor shall any permit be issued by the Administrator or a state environmental agency under the authority of this Act, the Clean Water Act, or the Clean Air Act, for any new or modified municipal waste incineration unit:

"(A) if the Administrator determines that the State does not have an approved plan in accordance with sections 4003 and 4007 of this Act or that the State has not taken reasonable steps to achieve the goals of this Act; and

"(B) in the case of new incineration units, unless the state or other public or private entity designing, constructing, or operating the incinerator certifies that, following the commencement of operation of the proposed new unit or expanded unit, no more than 50% of the municipal solid waste generated on an annual basis within the proposed service territory of the unit to be constructed will be incinerated on an annual basis by such unit and all existing units within the proposed service territory.".

SEC. 113. ADDITIONAL PLAN PROVISIONS AND PLAN APPROVAL PROCESS.

(a) Section 4003 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(e) ADDITIONAL PLAN PROVISIONS—Any State plan submitted under this subtitle shall include provisions to carry out each of the following unless the State demonstrates, to the satisfaction of the Administrator, that the inclusion of such a provision is not practicable:

"(1) A policy which would require the State and political subdivisions of the State to procure products made with recyclable materials whenever such products do not exceed by more than 10 percent the cost of similar products made without recyclable materials.

"(2) A program to encourage composting of yard waste.

"(3) A system for curbside pickup of source-separated materials or separation at recycling facilities, or both.

"(4) A policy requiring—

"(A) that recyclable materials in solid waste from residences, commerical establishments and office buildings be separated, to the maximum extent economically practicable, prior to deposition in municipally owned or operated landfills, waste-to-energy facilities, or waste treatment facilities. Recyclable materials to be considered in the State plan shall include but need not be limited to corrugated cardboard, office paper and paper products, newspaper, glass, plastic materials and products, ferrous and nonferrous and metals, yard waste, beverage containers; and,

"(B) the imposition of a surcharge on tipping fees for any solid waste from commercial establishments or office buildings that (i) is delivered to a landfill, waste-to-energy facility or waste treatment facility and (ii) is not source-separated into categories set forth in the State plan.".

(b) Section 4007 of the Solid Waste Disposal Act is amended by—

(1) striking "of paragraphs (1), (2), (3), and (5)" in subsection (a)(1); and

(2) striking "paragraphs (1), (2), (3), and (5) of" in subsection (a)(2)(A).

SEC. 114. REPORTING.

(a) EPA BIENNIAL REPORT.—The Administrator shall provide Congress with a report by September 30, 1990, and biennially thereafter, containing a detailed description of the actions taken to implement this Act. The report shall include: (1) an assessment of the multi-media impacts of various options for solid waste management; (2) an assessment of the effectiveness of the programs established under this Act in promoting the goals of municipal solid waste source reduction and recycling as set forth in section 104 of this Act; (3) recommendations to make such programs more effective; (4) estimates from each state on the volume of municipal solid waste being generated and an analysis of current waste management practices, including estimates of the amounts of waste being recycled, composted, incinerated with energy recovery, incinerated without energy recovery, landfilled or otherwise managed; and (5) a description of measures taken to reduce the toxicity of municipal solid waste and an assessment of the effectiveness of such measures.

(b) REPORT ON FEDERAL PROCUREMENT OF RECYCLED PRODUCTS.—The Administrator shall prepare and submit a report to Congress 5 years after the date of enactment of this Act evaluating the procurement requirements of Section 6002 of the Solid Waste Disposal Act. Such report shall include recommendations concerning the need, or lack thereof, to revise the definition of "unreasonable price" under Section 1004 of the Solid Waste Disposal Act in a manner that will further progress towards achieving the goals of this Act.

SEC. 115. MUNICIPAL SOLID WASTE SOURCE REDUCTION AND RECYCLING TRUST FUND ALLOCATIONS.

(a) The Administrator is authorized to issue grants for the purpose of encouraging source reduction and recycling. Moneys allocated to states under this section shall be used to further the goals of this Act and the Solid Waste Disposal Act.

(b) Such grants shall be funded by the Source Reduction and Recycling Trust Fund (the Fund) as established by the Source Reduction and Recycling Trust Fund Act of 1989.

(c) If a state does not have a plan approved by the Administrator pursuant to section 4007 of the Solid Waste Disposal Act, as amended by this Act, within 5 years after the enactment of this Act, or if a state is not taking appropriate steps to implement such plan, such state shall not be eligible to receive grants issued pursuant to this section and payments on all approved grants to such state under this section shall cease until such time as the state has such an approved plan.

(d) Moneys in the Fund shall, on an annual basis, be allocated and used for the following purposes and no others—

(1) 35% of the Fund shall be used for annual recycling grants to the states. The size of a recycling grant issued to a state shall be calculated on the basis of the total number of tons of materials recycled from residential, commercial and institutional sources on an annual basis within that state. The Administrator shall issue guidelines for determining the amount of material that has been recycled.

(2) 5% of the Fund shall be used for source reduction grants to the states, counties, localities, and businesses to promote innovations in source reduction.

(3) 30% of the Fund shall be used for source reduction grants to the states to assist in the provision of low interest loans or loan guarantees to businesses and industries for use in implementing source reduction measures or manufacturing products made from recycled materials.

(4) 10% of the Fund shall be used for research grants to universities, businesses, and other institutions for research on market stimulation, reuse techniques and innovations applicable to source reduction, recycling or the disposition of recyclable materials.

(5) 5% of the Fund shall be used for rural assistance grants to the states to provide assistance to municipalities with a population of less than five thousand and counties with a population of less than ten thousand or counties that are not within a metropolitan area and have a population density of less than twenty persons per square mile, to assist such areas in complying with state plans.

(6) In addition to the amounts allocated and appropriated for the grants authorized by this section, 15% of the estimated annual balance of the Fund is authorized to be appropriated to the Administrator for the purpose of carrying out the provisions of this Act.

The amount of any grant under paragraphs (2), (3), or (4) shall not exceed 50 per centum of the total costs of the project. No assistance under this section shall be available for the acquisition of land or interest in land.

SEC. 116. TRADE.

Section 5003 of the Solid Waste Disposal Act is amended by designating the existing text as subsection (a) and by adding the following new subsections:

"(b) The Secretary of Commerce shall report to the Congress by September 30, 1990, and biennially thereafter, on the progress and current capability for implementing the Municipal Solid Waste Source Reduction and Recycling Act. This report shall make specific recommendations on the

need to continue or review loan programs established pursuant to Section 115(d)(3) of the Municipal Solid Waste Source Reduction and Recycling Act.

"(c) The Secretary of Commerce shall give priority to assisting exporters of recyclable materials and products containing recyclable materials in identifying foreign markets and in securing favorable financial terms for such exports. The Secretary shall pursue this mandate through trade missions, assistance from U.S. government personnel stationed in foreign countries, and through other means as appropriate.

"(d) The Secretary of Commerce shall report to Congress on national and international markets for recyclable materials. In preparing such report, the Secretary may examine regional or multi-state markets for materials. As part of this report the Secretary shall develop a methodology for market analysis that shall be made available to the States for use in accordance with section 4003 of this Act.".

SEC. 117. FEDERAL ENFORCEMENT.

(a) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement, conditions or criteria of this Act, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred or is occurring for appropriate relief, including a temporary or permanent injunction.

(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit, license, or authorization issued by the Administrator under this Act, the Solid Waste Disposal Act or the Toxic Substances Control Act, and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of non-compliance for each violation of a requirement, condition, or criteria of this Act. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements, conditions, or criteria.

(b) PUBLIC HEARING.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued non-compliance with the order and the Administrator may suspend or revoke any permit, license, or authorization issued to the violator by the Administrator.

(d) CRIMINAL PENALTIES.—Any person who—

(1) knowingly uses the national recycling seal or symbol or a product or package that does not satisfy the criteria established under section 106(b)(3);

(2) knowingly introduces into interstate commerce a package or product in violation of the labeling requirements of section 106(b)(4) or the packaging standards of section 106(b)(5);

(3) knowingly uses or imports cadmium or other hazardous constituents in violation of section 108;

(4) knowingly manages or disposes of used lead-acid batteries in violation of section 109(a); or

(5) knowingly sells a lead-acid battery in violation of section 109(e)

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of a violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment under this subsection shall be doubled with respect to both fine and imprisonment.

(e) CIVIL PENALTY.—Any person who violates any requirement, condition, or criteria of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

(f) VIOLATIONS.—Each day of violation of any requirement, condition, or criteria of this Act shall, for purposes of this section, constitute a separate violation.

SEC. 118. JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.

Any judicial review of any final action of the Administrator pursuant to this Act shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

(1) a petition for review of any final action of the Administrator may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within ninety days from the date of such promulgation or denial or after such date if such petition is for review based solely on grounds arising after such ninetieth day; action of the Administrator with respect to which review could have been obtained under this section shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

(2) if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file with the court such modified or new findings and the Adminstrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such additional evidence.

SEC. 119. CITIZEN SUITS.

(a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on such person's own behalf—

(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to have violated or to be in violation of any permit, regulation, condition, criteria, requirement, prohibition, or state plan source reduction or recycling measure order which has become effective pursuant to this Act; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

Any action under paragraph (a)(1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under paragraph (a)(2) of this subsection may be brought in the district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, criteria, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 117.

(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

(1) prior to sixty days after the plaintiff has given notice of the violation to—

(A) the Administrator; and

(B) to any alleged violator of such permit, regulation, condition, criteria, requirement, prohibition, or order; or

(2) if the Administrator has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance with such permit, regulation, condition, criteria, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this Act may be brought under this section only in the judicial district in which such alleged violation occurred.

(c) NOTICE.—No action may be commenced under paragraph (a)(2) of this section prior to sixty days after the plaintiff has given notice to the Administrator that he will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(d) INTERVENTION.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

(e) COSTS.—The Court, in issuing any final order in any action brought pursuant to this section or section 118, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought to require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or require-

ment or to seek any other relief (including relief against the Administrator).

SEC. 120. SEPARABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 121. AUTHORITY OF ADMINISTRATION.

The Administrator is authorized to prescribe such regulations as are necessary to carry out this Act.

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. MITCHELL, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS):

S. 1113. A bill to amend the Solid Waste Disposal Act and extend the authorization through 1993; to the Committee on Environment and Public Works.

WASTE MINIMIZATION AND CONTROL ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Waste Minimization and Control Act of 1989. I do so on behalf of myself and Senators CHAFEE, BURDICK, DURENBERGER, LAUTENBERG, MOYNIHAN, MITCHELL, REID, LIEBERMAN, and JEFFORDS.

I am also pleased to join Senator CHAFEE in cosponsoring the Municipal Solid Waste Source Reduction and Recycling Act of 1989. Senator CHAFEE is to be commended for his continued leadership in this area.

Both of these bills continue our commitment to protect public health from the hazards of solid waste pollution.

This commitment began in 1965, when Congress first enacted the Solid Waste Disposal Act. At that time, solid waste was a litter and rat problem.

Today we face a different problem, and Americans are alarmed.

For good reason.

We have found needles and blood bags on our beaches.

We have followed the long journey of the infamous garbage barge wandering our eastern seaboard.

We have learned that our communities have shipped toxic wastes to poison foreign lands.

And we have seen communities all across the country run out of places to dump their ever-growing heaps of trash.

A NATIONAL PROBLEM

We're consuming more and more disposable products and we're running out of dumps. So it should come as no surprise that we're on the brink of a nationwide solid waste crisis.

Some people think this is only a big city problem.

That it's only the big cities whose drinking water is being contaminated.

That it's only the big cities whose landfills are closing.

And that it's only the big cities that can't site new facilities.

In fact, solid waste pollution is becoming a problem everywhere.

For example, I recently received a letter from a man in Helena, MT, whose drinking-water well is contaminated by a rural landfill. His water is laced with so many toxins that he is now forced to drink bottled water.

He and his neighbors are the people that this legislation will benefit. But he isn't alone.

Many landfills are poisoning the ground water because they are poorly designed and operated.

Some are so contaminated they are being considered for Superfund cleanups. This is true all across America.

A NATIONAL SOLUTION

We have the opportunity to address this growing problem before a crisis occurs. Let's not wait for the *Exxon Valdez* of landfills to occur.

Let's take action now.

Let's set goals and guidelines.

Let's create a partnership among the Federal Government, States, cities, and counties.

Let's share the cost among these partners.

And let's make sure that the Federal partner pays a fair share.

Americans, including many Montanans whose wells are contaminated and who are concerned about their health and safety, know there is a problem.

We can't prevent what already has occurred.

But we can make sure their water gets cleaned up.

We can prevent the contamination from spreading to other wells.

And we can put an end to the practices that are creating these nightmares.

That's what this bill is all about.

Most Americans agree with this approach. Many local officials have made suggestions along the same lines. It has bipartisan support.

It also has bipartisan opposition. Tough solid and hazardous waste legislation is not without its critics. Many industrial groups think the bill is too stringent. Environmental groups think it's too lenient.

Others believe that the Federal Government has no business in solid waste management. But these same critics will be the first to ask the Federal Government for money when their landfills and surface impoundments begin to leak.

Still others are concerned that it will cost too much. I am sensitive to these concerns.

In Montana we have a depressed economy and high unemployment.

I certainly have no desire to enact legislation that threatens jobs. This legislation doesn't.

It means people in Montana and elsewhere will have the opportunity to live in a safe and healthy environment.

It protects citizens like the fellow in Helena, whose personal well-being and ground water resources are being threatened.

And the legislation is fair. It provides for flexibility for Montana and the other 49 States to protect their own health and precious resources.

Furthermore, the bill is especially sensitive to the special needs of rural America.

It helps rural communities set up solid waste programs that will work for them.

It sets up rural recycling programs.

And it provides funding to rural communities to help them meet all of the goals of this legislation.

CONCLUSION

Mr. President, it is clear that our Nation is on the brink of a solid waste crisis. A recent national survey illustrates there is growing concern.

The vast majority of Americans believe our pollution laws are too weak.

Most favor immediate Government action to clean up toxic waste and to protect our drinking water.

And nearly all of us favor recycling as a way to tackle our waste problems.

We must respond to this crisis. We must hold hearings, and continue to look for new information.

And we must enact strong legislation so no State becomes a dumping ground for the Nation.

So all States can safely manage their own wastes.

And so today's landfills do not become tomorrow's Superfund sites.

I urge my colleagues to join me in working to pass comprehensive RCRA legislation. It will be a long hard journey, but worth the ride.

Mr. President, I ask unanimous consent that the text of the Waste Minimization and Control Act of 1989, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Waste Minimization and Control Act of 1989".

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TITLE I—GENERAL AMENDMENTS

SEC. 101. CONGRESSIONAL FINDINGS.

(a) Section 1002(b) of the Solid Waste Disposal Act is amended as follows:

(1) strike "and" at the end of paragraph (7);

(2) strike the period at the end of paragraph (8) and insert in lieu thereof a semicolon; and

(3) add the following after paragraph (8):

"(9) the Nation continues to generate huge volumes of both hazardous and solid waste each year which may pose a threat to human health and the environment from hazardous substances in waste and leachate if not properly managed;

"(10) many communities are not siting new waste management facilities and are managing waste in existing units not designed with the best available environmental controls or are engaged in long distance uneconomic transportation of wastes to other communities and States; and

"(11) the generation of waste containing hazardous substances must be reduced and recycled to protect human health and the environment and to minimize capacity problems.".

SEC. 102. OBJECTIVES AND NATIONAL POLICY.

(a) Section 1003(a)(4) of the Solid Waste Disposal Act is amended by inserting after "hazardous waste" the term "and solid waste".

(b) Section 1003(a)(5) of the Solid Waste Disposal Act is amended by inserting after "hazardous waste" the term "and solid waste".

(c) Section 1003(a)(6) of the Solid Waste Disposal Act is amended by inserting after "hazardous waste" each time it appears, the term "and solid waste".

(d) Section 1003(a) of the Solid Waste Disposal Act is amended as follows:

(1) strike "and" at the end of paragraph (10);

(2) strike the period at the end of paragraph (11) and insert in lieu thereof a semicolon; and

(3) add the following after paragraph (11):

"(12) establishing a Federal-State partnership that ensures waste management capacity protective of human health and the environment; and

"(13) promoting interjurisdictional cooperation in the planning and provision of waste management services.".

(e) Section 1003(b) of the Solid Waste Disposal Act is amended to read as follows:

"(b) NATIONAL POLICY.—The Congress hereby establishes a waste prevention and integrated waste management policy that gives highest priority: first, to source reduction, second, to recycling, third, to energy recovery, fourth, to waste treatment, and fifth, to contained disposal, so as to minimize the present and future threat to human health and the environment. Congress further establishes as a national goal the recycling of waste to the maximum extent consistent with market demand for recycled materials, and the creation and strengthening of markets for recycled materials.".

SEC. 103. GENERAL AUTHORIZATION.

(a) Section 2007 of the Solid Waste Disposal Act is amended by deleting "and $80,000,000 for the fiscal year 1988" and adding "$80,000,000 for the fiscal year ending September 30, 1989, $140,000,000 for the fiscal year ending September 30, 1990, $140,000,000 for the fiscal year ending September 30, 1991, $140,000,000 for the fiscal year ending September 30, 1992, and $140,000,000 for the fiscal year ending September 30, 1993.".

SEC. 104. DEFINITIONS.

Section 1004 of the Solid Waste Disposal Act is amended by adding at the end thereof:

"(40) The term 'municipal waste incineration unit' shall have the meaning given in section 129(k)(1) of the Clean Air Act.".

TITLE II—SOLID WASTE MANAGEMENT

SEC. 201. OBJECTIVES OF SUBTITLE D.

(a) The title of subtitle D is amended to read as follows: "Solid Waste Management".

(b) The first sentence of section 4001 of the Solid Waste Disposal Act is amended to read as follows: "The objectives of this subtitle are—

"(1) to assist in developing and encouraging methods for the disposal of solid waste that are environmentally sound and that maximize the utilization of valuable resources including energy and materials that are recoverable from solid waste;

"(2) to assist in developing methods to encourage resource conservation;

"(3) to assist in developing and encouraging permitted capacity pursuant to the permit requirements in section 4010 of this Act, and in meeting the capacity demands estimated pursuant to section 4003 of this Act to manage the Nation's solid waste recycling, treatment, storage and disposal needs;

"(4) to use an integrated waste management hierarchy for solid waste management planning that is consistent with the policy and priorities set forth in subsection 1003(b) of this Act;

"(5) to assist in stabilizing and developing markets for recyclables; and

"(6) to upgrade existing capacity to protect human health and the environment.".

SEC. 202. STATE AND REGIONAL PLANNING.

(a) Section 4002(b) of the Solid Waste Disposal Act is amended by striking "eighteen months after the date of enactment of this section" and inserting in lieu thereof "six months after enactment of the Waste Minimization and Control Act of 1989", and by adding after "section 4001", the following, ", as amended by the Waste Minimization and Control Act of 1989.".

(b) Section 4003(a) of the Solid Waste Disposal Act is amended by striking ", each State must comply with the following minimum requirements" and inserting "and issue permits under section 4010 of this Act, each State must develop a plan that complies with the following minimum requirements" after "4007,".

(c) Section 4003(a)(2) of the Solid Waste Disposal Act is amended by inserting "until the permitting program established under section 4010 of this Act goes into effect" before "all solid waste".

(d) Section 4003(a)(5) of the Solid Waste Disposal Act is amended by inserting "permitted pursuant to section 4010 of this Act" after "resource recovery facilities," and by inserting "permitted" before "facilities".

(e) Section 4003(a)(6) of the Solid Waste Disposal Act is amended to read as follows:

"(6) The plan shall provide that the State, directly or through regional or local planning units as may be established under section 4002(a)(1) of the Solid Waste Disposal Act, (A) shall identify the amount of solid wastes by waste type, including wastes from all categories listed in section 4011 of this Act and waste residuals, that are reasonably expected to be generated within the State or accepted from another State during the ensuing twenty-year period, (B) shall identify the volumes to be reduced through source reduction and recycling, and (C) shall establish a process which assures the availability of solid waste treatment, storage, and disposal facilities permitted pursuant to section 4010 of this Act, and recycling facilities with adequate capacity to manage all such solid wastes in a manner that is protective of human health and the environment.".

(f) Section 4003(a) of the Solid Waste Disposal Act is amended by adding the following new paragraphs:

"(7) The plan shall require laws, regulations, and ordinances for development of new solid waste management facilities necessary to provide the capacity requirements identified pursuant to section 4003(a)(6) of this Act, including the establishment of a process for the siting of such facilities and a schedule for the approval and construction of such facilities. To the extent any capacity is provided outside the planning unit, the State shall act to ensure such capacity is available and is identified in the plan. The plan shall reserve to the State authority to take such actions on behalf of a regional or local planning unit, including agreements with other States if appropriate, to assure the availability of such capacity when such planning unit has failed in a timely way to provide adequate capacity for waste volumes identified by a State, regional, or local plan established pursuant to section 4003(a)(6) of this Act.

"(8) The plan shall include a process for identifying and collecting recyclable materials and for developing and stabilizing markets for such recyclables.

"(9) The plan shall establish solid waste management practices based on the State's environmental and economic conditions consistent with the waste reduction and recycling goals pursuant to section 5001(2) and the national policy pursuant to section 1003(b) of this Act.".

(g) The title of section 4006 of the Solid Waste Disposal Act is amended by inserting ", submission," after the word "development".

(h) Section 4006 is further amended by adding the following new subsections:

"(d) SUBMISSION OF PLANS.—Not later than twenty-four months after the promulgation of guidelines pursuant to section 4002(b) of this Act, each State shall submit to the Administrator for approval a solid waste management plan that complies with the requirements of section 4003(a) of this Act.

"(e) FAILURE TO SUBMIT A STATE PLAN.—A State's failure to submit a plan pursuant to section 4006(d) of this Act or to obtain the Administrator's approval under section 4007(a) of this Act shall result in the loss of Federal financial assistance to which that

State would otherwise be entitled in accordance with the following schedule—

"(1) if no plan has been submitted within two years after the promulgation of guidelines under section 4002(b) of this Act, the State shall be responsible, until it submits such plan, under section 104(c)(3)(C)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(c)(3)(C)(i)), for paying or assuring payment of 25 per centum of the costs of remedial action subject to that section;

"(2) if no approved plan is in effect within three years after the promulgation of guidelines under section 4002(b) of this Act, and, until the State obtains the Administrator's approval for such plan—

"(A) the amount of any assistance to that State for treatment works made pursuant to section 202 or title VI of the Clean Water Act from funds authorized for any fiscal year shall be 25 per centum of the cost of construction thereof (as approved by the Administrator); and

"(B) the State shall be responsible under section 104(c)(3)(C)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(c)(3)(C)(i)) for paying or assuring payment of 25 per centum of the costs of remedial action subject to that section.

"(3) if no approved plan is in effect within four years after the promulgation of guidelines under section 4002(b), of this Act, and until the State obtains the Administrator's approval for such plan—

"(A) the State shall receive no Federal assistance for treatment works pursuant to section 202 or title VI of the Clean Water Act; and

"(B) no Federal funds shall be available for response or remedial action under the Comprehensive Environmental Response, Compensation and Liability Act at any site within the State.".

(i) Section 4007(a)(1) of the Solid Waste Disposal Act is amended as follows: "(1) it meets the requirements of section 4003(a).".

SEC. 203. PERMITS FOR DISPOSAL OF SOLID WASTE.

(a) Section 4010 of the Solid Waste Disposal Act is amended to read as follows:

"(a) PERMIT REQUIREMENT.—(1) Effective one year after the enactment of this Act, storage (excluding transportation-related facilities including loading docks, parking areas, storage areas and other similar areas where shipments of solid waste are held during the normal course of transportation), treatment or disposal of solid waste except in accordance with a permit issued pursuant to this section is prohibited. Effective one year after the enactment of this Act, transportation of solid waste for storage, treatment, incineration, or disposal, or arrangement for the storage, treatment, or disposal of solid waste, at any facility that does not have a permit issued pursuant to this section is prohibited.

"(b) INTERIM STATUS.—(1) For purposes of the requirement in subsection (a) of this section, and until such time as permits are reissued pursuant to subsection (f) of this section by the State or EPA, units shall be treated as having an interim permit if—

"(A) In States with an existing system of solid waste management permitting or prior approval, existing units obtain such permit or prior approval no later than twelve months after date of enactment of this Act, and new units obtain such permit or prior approval prior to commencing construction.

"(B) In States without an existing system of solid waste management permits or prior approval, new and existing units submit to the State and EPA a notification and exposure assessment which contains, at a minimum, information regarding the facility and unit's location, general facility information, waste types and volumes managed, number of households within one mile of the facility in which the unit is located, facility monitoring programs and results, use of local surface water and ground waters, number of local drinking water wells, number of municipal water intakes downstream from the facility, and any other information deemed appropriate by the Administrator in order to carry out the requirements of this Act. The manner and form of this submission shall be determined by the Administrator within ninety days of enactment of this Act. Existing units shall submit this information no later than twelve months after date of enactment. New units shall submit this information prior to commencing operation.

"(2) In addition to the requirements of paragraph (1) of this subsection, any new surface impoundment or other land disposal unit, or any lateral expansion thereof, which (A) commences construction or operation after a date which is twelve months after the date of enactment; (B) is located in a vulnerable geological setting, as defined by the Administrator no later than ninety days after date of enactment; and (C) will contain hazardous substances, as defined by section 101(14) of the Comprehensive Environmental Response and Liability Act, shall install at a minimum a liner and system of groundwater monitoring in conformance with the existing requirements for municipal solid waste landfills as established by the Administrator or the State in which the unit is located pursuant to the Hazardous and Solid Waste Amendments of 1984. Any new incinerator that commences construction or operation after date of enactment shall comply with the requirements of section 129(c) of the Clean Air Act.

"(3) Interim status permits shall terminate on the date of issuance of a permit issued pursuant to subsection (f) of this section or forty-eight months after the date of enactment of this Act, whichever is sooner.

"(c) STATE CERTIFICATION.—Not later than one year after the enactment of this Act, the Governor of each State shall submit to the Administrator a statement certifying that the laws of such State provide such regulatory authority and personnel as may be necessary to implement the permit requirements required by this section, including, but not limited to, authority to—

"(1) issue permits under State law that—

"(A) meet the requirements of this section and assure compliance with any applicable standards promulgated by the Administrator under section 4011 within eighteen months after such promulgation or such earlier date as the Administrator may by rule establish;

"(B) can be revoked or modified for cause including, but not limited to, the violation of any condition of a permit or obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

"(2) inspect, monitor, enter at reasonable times, and require reports to the extent necessary to assure compliance with this subtitle;

"(3) insure that the public receives notice of each application for a permit and provide an opportunity for public hearing before ruling on each such application; and

"(4) allow abatement of violations of a permit or this subtitle, including civil and criminal penalties and other ways and means of enforcement.

"(d) STATE AUTHORITY TO ISSUE PERMITS.—(1) After submission of the certification required by subsection (c) of this section, and except as provided in subsection (e) of this section, upon a determination that a solid waste management facility complies with the requirements of this section including protection of human health and the environment, and any other applicable requirements of State law, the State in which the facility is located may issue a permit to such facility pursuant to the authority certified under subsection (c) of this section.

"(2) No permit may be issued under this Act by an agency, instrumentality, or person (other than a Governor) that is also responsible, in whole or in part, for the design and construction or operation of the unit.

"(e)(1) ISSUANCE OF PERMITS BY THE ADMINISTRATOR.—The Administrator shall act in lieu of a State to issue or deny permits to solid waste management facilities within the State—

"(A) if such State has failed to submit the certification required under subsection (c) of this section;

"(B) if, following notice and opportunity for a public hearing, the Administrator finds that the State lacks adequate regulatory powers under State law to implement the permitting requirement and enforce against violations of permits or requirements of this subtitle;

"(C) if a State has failed to submit a plan pursuant to section 4006 of this Act which meets the requirements of this Act; or

"(D) if following notice and opportunity for a public hearing, the Administrator finds that the State fails to exercise its regulatory authority as required by this Act.

"(2) EXISTING PERMITS.—Any permit issued by a State prior to the date of enactment or pursuant to subsection (a) of this section shall remain in effect until the Administrator acts.

"(f) PERMIT CONDITIONS.—Any permit issued pursuant to this section shall, within eighteen months after promulgation of applicable standards by the Administrator pursuant to section 4011, contain such conditions as will assure compliance with such standards. In the absence of applicable standards under section 4011 of this Act, the permit shall contain such conditions as the State (or Administrator), based on the exercise of its best professional scientific and engineering judgment, consideration of appropriate regulations and requirements adopted by other States or solid waste management authorities and after consideration of the factors listed in this subsection, deems necessary to protect human health and the environment. Any permit issued under this section by the State (or the Administrator) shall contain provisions appropriate for each category or subcategory of waste pursuant to section 4011 specifying—

"(1) the types of wastes handled by the facility, their toxicity, mobility or other potential to adversely affect human health or the environment, and include measures to mitigate such potential, including but not limited to special handling requirements, liners and leachate collection systems as appropriate;

"(2) design of the facility in relation to the location of the facility, including its hydrogeologic and climatological settings, and its proximity to biological or cultural resources and sources of drinking water;

"(3) air and ground water monitoring necessary to identify any potential adverse ef-

fects on human health and the environment from a discharge from such facility;

"(4) financial assurance for closure and postclosure care;

"(5) measures necessary to prevent the unlawful disposal of hazardous waste;

"(6) measures necessary to control precipitation run-on and run-off;

"(7) restrictions on the receipt of liquids or measures necessary to mitigate the potential adverse effects of such receipt; and

"(8) the authority to require any necessary corrective action to prevent adverse effects on human health and the environment.

Nothing in this Act shall be construed to limit the State from adopting or enforcing additional or more stringent permit requirements than are required by this Act.

"(g) PERMIT TERM.—Any permit issued pursuant to State authority certified under subsection (c) of this section or by the Administrator pursuant to subsection (e) of this section shall be for a fixed term not to exceed ten years, and shall be modified to require compliance with any applicable standard promulgated under section 4011 of this Act within eighteen months after promulgation of such standard. Nothing in this subsection shall preclude a State (or the Administrator) from reviewing and otherwise modifying a permit at any time during its term.

"(h) EFFECT OF COMPLIANCE WITH PERMIT.—Compliance with a permit issued by a State pursuant to the authority certified under subsection (c) of this section or the Administrator pursuant to subsection (e) of this section shall be deemed compliance with the requirements of this subtitle.".

SEC. 204. SOLID WASTE MANAGEMENT GUIDELINES.

(a) Subtitle D of the Solid Waste Disposal Act is amended by adding at the end thereof the following new section:

"SEC. 4011. (a)(1) IN GENERAL.—The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and promulgate guidelines establishing minimum requirements for facilities that manage solid waste in the following categories—

"(A) for municipal solid waste, within twelve months of enactment of this Act;

"(B) for municipal waste combustion ash, including the management, handling, treatment, transportation, reuse, recycling, and disposal within eighteen months of enactment of this Act;

"(C) for emissions from municipal waste incineration facilities pursuant to the schedule and requirements specified under section 129 of the Clean Air Act;

"(D) for medical wastes including infectious hospital and laboratory wastes, within twelve months of enactment of this Act;

"(E) for wastes generated from the extraction, beneficiation and processing of ores and minerals including heap and dump leach piles within eighteen months of enactment of this Act;

"(F) for industrial solid wastes including waste from industrial boilers and cement kiln dust within eighteen months of enactment of this Act;

"(G) for drilling fluids, produced waters and other wastes associated with the exploration, development and production of oil, gas, and geothermal energy, within twenty-four months of enactment of this Act;

"(H) for industrial solid wastes handled in surface impoundments, landfills, and waste piles not otherwise covered by this title within twenty-four months of enactment of this Act;

"(I) for industrial solid wastes handled in underground injection wells not otherwise covered by this title within thirty-six months of enactment of this Act; and

"(J) for other solid wastes including, but not limited to, wastes generated from the combustion of coal and other fossil fuels within forty-eight months of enactment of this Act.

"(2) Within twelve months after the enactment of this Act, and from time to time thereafter, the Administrator shall publish a notice in the Federal Register identifying any other solid waste categories for which guidelines are necessary or appropriate and specifying a schedule for the promulgation of those guidelines. The Governor of any State may petition the Administrator to propose guidelines for a category of waste not described in this paragraph.

"(3) At the time the Administrator grants any petition under section 3001 of the Solid Waste Disposal Act to exclude a waste generated at a particular facility, the Administrator shall specify any design or additional operating standards appropriate for such waste.

"(b) GUIDELINES.—The guidelines promulgated by the Administrator pursuant to section 4011(a) of this Act shall provide for the protection of human health and the environment from the solid wastes for each category or subcategory and shall take into consideration the circumstances presented by the particular solid waste category, as well as—

"(1) the sources and volumes of the solid wastes within the category, including their toxicity, mobility, or other potential for adverse impacts on human health and the environment;

"(2) the potential danger, if any, to human health and the environment from current management practices;

"(3) documented cases of actual or threatened harm to human health or the environment;

"(4) the types of solid waste management facilities and measures that can be used to mitigate any potential adverse effect on human health and the environment that are appropriate for the solid wastes generated within each source category and consistent with the climatological and hydrogeological setting and proximity to biological or cultural resources and sources of drinking water. The Administrator shall consider and promulgate guidelines as appropriate for each solid waste category that include but are not limited to—

"(A) requirements with respect to siting of any source in the category including its proximity to karst terrain, seismic zones, wetlands, floodplains, and vulnerable or unmonitorable ground water;

"(B) requirements with respect to construction quality assurance for the installation of any source in the category;

"(C) requirements with respect to licensing or training for persons who install or operate any source in the category;

"(D) requirements with respect to the design of any source in the category including liners, leachate collection systems and cover requirements;

"(E) requirements with respect to the operation and maintenance of any source in the category;

"(F) requirements for monitoring releases to air, surface water, soil, and ground water;

"(G) requirements with respect to source separation or treatment prior to disposal or incineration;

"(H) requirements for taking corrective action in response to releases;

"(I) requirements for closure and postclosure care;

"(J) requirements for maintaining records of any leak detection, sampling or monitoring system associated with any source in the category; and

"(K) requirements for maintaining evidence of financial responsibility for closure, postclosure care, and corrective action;

and

"(5) other Federal and State laws and regulations with a view toward avoiding duplication of effort.

Nothing in the Waste Minimization and Control Act of 1989 shall be construed to limit the authority of the Administrator pursuant to section 3001 of this Act to regulate any category or subcategory of solid waste under subtitle C of this Act.

"(c)(1) MUNICIPAL SOLID WASTE LANDFILLS.—Guidelines promulgated under subsection (a)(1)(A) of this section shall include, at a minimum, for each new and existing landfill the following requirements—

"(A) controls to detect and prevent the disposal of hazardous waste, nonhazardous bulk liquids and nonhazardous liquids in containers (other than household wastes). Such controls shall include random inspections of incoming loads, inspection of suspicious loads, records of inspections, training of facility personnel to recognize illegal materials, procedures for notifying the proper authorities if any regulated hazardous wastes are found, and precautions and penalties to prevent such offenses;

"(B) daily cover as necessary to control disease vectors, fires, odors, blowing litter and scavenging;

"(C) landfill gas monitoring and controls to ensure that concentrations of explosive gases beneath, around, or in facility structures (excluding gas control or recovery components) shall not exceed 25 per centum of the lower explosive limit for methane. Such concentrations shall not exceed the lower explosive limit at the property boundary (or perimeter of a dedicated buffer zone);

"(D) access controls to protect human health and the environment and to prevent unauthorized vehicular traffic and to prevent illegal dumping of wastes;

"(E) run-on and run-off controls that will accommodate a twenty-four hour, twenty-five year storm without overtopping and with sufficient freeboard to accommodate expected set-up and wave action; diversion of all run-on around the landfill by means of ditches, berms, dikes or grading, and relocation of surface water bodies to flow around the perimeter of the landfill;

"(F) landfill closure that—

"(i) minimizes the need for further maintenance;

"(ii) ensures no adverse effects will be caused from postclosure releases to the ground water, surface water, or atmosphere;

"(G) closure and postclosure care plans which identify for each facility the steps necessary to ensure closure and postclosure care, time estimates, modifications to monitoring and collection systems, final cover, and cost estimates. The postclosure care period shall be determined by results from the monitoring in the landfill including leachate quality and quantity and methane gas generation or some alternative;

"(H) financial responsibility for closure and postclosure care;

"(I) ground water monitoring. The Administrator is authorized to promulgate regulations to allow a variance from ground water monitoring requirements if the owner or operator can demonstrate to the satisfaction of the Administrator that there is no potential for migration of hazardous constituents from the landfill to the uppermost aquifer during the active life, closure, and postclosure. Such demonstration shall be certified by a qualified geologist or geotechnical engineer and shall be based on site specific data; and

"(J) corrective action of releases to air, water, and land to protect health and the environment.

"(2) At a minimum, the guidelines promulgated under subsection (a)(1)(A) of this section shall require for each new landfill and lateral expansion to existing landfills for which new permits are required the following requirements—

"(A) liners (natural or manmade materials or both) or in situ soil, or combination of both, capable of preventing the migration of wastes or leachate out of the landfill to the aquifer or surface water during the active life of the facility;

"(B) leachate collection and removal systems unless the owner or operator demonstrates to the satisfaction of the permitting authority that no leachate will be generated. The leachate collection and removal system shall be installed immediately above the liner, which shall be sufficiently permeable to allow the leachate collection and removal system to function, and designed and constructed to maintain less than thirty centimeters of leachate head from the landfill during the active life and postclosure care period;

"(C) construction quality assurance plan specifying the materials to be used in liner construction, the construction techniques, the engineering plans, the installation test procedures, and a description of the methods to be used to modify work which does not meet project specifications; and

"(D) landfills shall not be located in the following locations—

"(i) within the one hundred-year flood plain unless it can be demonstrated by the owner or operator that engineering measures have been incorporated into the landfill design to ensure the landfill shall not restrict the flow of the one hundred-year base flood, reduce the temporary water shortage capacity of the floodplain, or result in the washout of solid waste so as to pose a hazard to human health or the environment;

"(ii) within a wetland except in accordance with sections 301 and 404 of the Clean Water Act;

"(iii) within two hundred feet of a fault that has had displacement in Holocene time; and

"(iv) within a seismic impact zone and other unstable areas unless it can be demonstrated by the owner or operator that engineering measures have been incorporated into the landfill design to ensure the structural stability of the landfill capable of protecting human health and the environment.

"(3) For the purpose of complying with subsection (a)(1)(A) of this section, the notice of proposed rulemaking by the Administrator in accordance with section 4010 of this Act (as in effect immediately prior to the enactment of the Waste Minimization and Control Act of 1989) shall be deemed the notice of proposed rulemaking for municipal solid waste landfills under this section, together with such changes or additions as are necessary to comply with the requirements of this section.

"(d) MUNICIPAL WASTE COMBUSTION ASH.—

"(1) DISPOSAL.—

"(A) Guidelines promulgated under subsection (a)(1)(B) of this section for facilities in which municipal waste combustion ash is disposed shall establish requirements that apply to fly ash separately, to bottom ash separately, or to the combination of fly ash and bottom ash, and shall require at a minimum—

"(i) the installation of two or more liners and a leachate collection system above and between such liners; and

"(ii) ground water monitoring.

"(B) The requirement of paragraph (1)(A)(i) of this subsection may be satisfied by the installation of liners designed, operated, and constructed of materials to prevent the migration of any constituent into such liners during the period such facility remains in operation (including any post closure monitoring period). For the purpose of the preceding sentence, the installation of a flexible membrane top liner, and a bottom liner of at least a three-foot thick layer of recompacted clay or other natural material with a hydraulic conductivity of no more than 1×10^{-7} centimeters per second shall be deemed to satisfy such requirements. The provisions of this paragraph apply prior to and after the promulgation of guidelines under section 4010(d)(1).

"(C) The design requirements pursuant to paragraph (1)(A) or (3) of this subsection shall not apply if the owner or operator of a solid waste management unit utilizing an alternative design demonstrates to the State, and the State finds, that the alternative design and operating practices will prevent the migration of any hazardous constituent into the ground or surface water at least as effectively as the design requirements of paragraph (1)(A) or (3) of this subsection.

"(2) TREATMENT AND TESTING.—

"(A) Guidelines promulgated under subsection (a)(1)(B) of this section shall include requirements for the treatment of bottom ash, fly ash, and the combination of fly ash and bottom ash. The Administrator shall promulgate guidelines that specify those levels or methods of treatment that take into account all potential pathways of exposure as may be necessary to protect human health and the environment. For the purpose of developing treatment levels or methods—

"(i) treatment shall include any method, technique, or process designed to change the physical, chemical, or biological character or composition of any ash so as to remove or fix in place any constituent of the ash which, in the event of mismanagement during transportation, storage, reuse, recycling or disposal, may pose a threat to human health or the environment, and includes testing of such ash to assure that criteria promulgated under paragraph (2)(B) of this subsection are satisfied; and

"(ii) treatment shall not include the mixing of fly ash and bottom ash, or the mixing of such ash with other solid waste, without the introduction of chemical stabilization agents.

"(B)(i) Guidelines promulgated under subsection (a)(1)(B) of this section shall include criteria and testing procedures for identifying the characteristics of bottom ash, fly ash, and the combination of fly ash and bottom ash from municipal waste incineration units that may pose a hazard to human health or the environment. The Administrator shall consider situations of disposal, reuse and recycling and potential pathways of human or environmental exposure to constituents of such ash in establishing such criteria and testing procedures. The Administrator shall consider appropriate methods to determine leaching, total chemical analysis, respirability, and toxicity.

"(ii) The criteria and accompanying testing procedures shall reflect the heterogeneous characteristics of municipal solid waste and municipal incinerator ash, including seasonal variations in the constituents of such solid waste and ash.

"(iii) The procedure established pursuant to paragraph (2)(B) of this subsection shall include testing under acidic and native conditions. Leachate concentrations exceeding the maximum contaminant level for such substance established pursuant to section 1412 of the Safe Drinking Water Act by a factor of one hundred or more shall, unless the Administrator establishes a more stringent requirement, constitute a failure of the test required by this section.

"(iv) Any ash which fails in any characteristic pursuant to this subsection shall be disposed of in a facility pursuant to paragraph (1) of this subsection, except as provided in paragraphs (3), (4), and (5) of this subsection.

"(v) Nothing in this section shall be interpreted, construed or applied to require the testing of ash prior to disposal in a landfill meeting the requirements pursuant to paragraph (1) of this subsection or ash in a monofill meeting the requirements pursuant to paragraph (3) of this subsection.

"(3) MONOFILL.—

"(A) Notwithstanding the requirement of paragraph (1)(A) of this subsection, guidelines promulgated under paragraph (1)(B) of this subsection, shall allow for the placement of ash from municipal waste incineration units in a monofill (containing only ash from such units) with a composite liner designed, constructed, and operated of materials to prevent the migration of any constituent into and through such liner during the period the monofill remains in operation (including any postclosure monitoring period), ground water monitoring and leachate collection.

"(B) If fly ash is to be disposed in a monofill containing solely or substantially fly ash, such ash shall be treated and tested pursuant to standards established under paragraph (2) of this subsection before disposal or such monofill shall be required to meet requirements pursuant to paragraph (1) of this subsection.

"(4) SANITARY LANDFILL.—

"(A) Guidelines promulgated under paragraph (1)(B) of this subsection may allow disposal of ash from municipal waste incineration units in sanitary landfills meeting the requirements of guidelines promulgated under paragraph (1)(A) of this subsection, if prior to accepting ash for disposal:

"(i) such ash is tested and does not fail any criteria pursuant to paragraph (2) of this subsection;

"(ii) any fly ash so disposed (including any fly ash combined with bottom ash) has undergone treatment pursuant to paragraph (2) of this subsection; and

"(iii) an fly ash, bottom ash, or the combination of fly ash and bottom ash is disposed of in a lined landfill pursuant to design specified in subsection (c)(2) of this section. Such ash may not be disposed of in units that are created as a result of vertical expansion of an existing landfill unless the owner or operator of such facility demon-

strates, and the State finds, that there will be no settling (that would impair the integrity of any required liner) of waste upon which the proposed unit is to be built.

"(5) REUSE AND RECYCLING.—

"(A) Guidelines promulgated under paragraph (1)(B) of this subsection shall include such requirements applicable to the reuse and recycling of the ash (fly ash, bottom ash or the combination of fly ash and bottom ash) from municipal waste incineration units if prior to reuse and recycling:

"(i) such ash, is tested and does not fail any criteria pursuant to paragraph (2) of this subsection; and

"(ii) such ash, so reused or recycled has undergone treatment pursuant to paragraph (2) of this subsection.

"(B) If the Administrator fails to promulgate regulations under this paragraph or paragraph (2) of this subsection, no person may reuse or recycle ash from a municipal waste incineration unit after the date thirty-six months after the date of enactment of this section unless such ash is treated and leachate from an extraction procedure toxicity test pursuant to section 3001 of the Solid Waste Disposal Act applied to such ash, does not exceed standards established pursuant to section 1412 of the Safe Drinking Water Act for any pollutant or contaminant.

"(6)(A) Regulations promulgated under this section shall be effective upon promulgation, except that requirements promulgated pursuant to paragraph (3) or (4) of this subsection with respect to the disposal of ash from municipal waste incineration units shall be effective on and after the date forty-eight months after the date of enactment of this section.

"(B) Beginning eighteen months after the date of enactment of this section and until the effective date of disposal requirements promulgated pursuant to paragraph (3) or (4) of this subsection, ash from municipal waste incineration units shall not be disposed in landfills unless such landfills have, at a minimum, one liner, leachate collection and ground water monitoring and otherwise meet the criteria for sanitary landfills issued under this subtitle.

"(C) Nothwithstanding the provisions of subparagraph (B) of this paragraph, the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from each municipal waste incineration unit be disposed in a facility with a liner, leachate collection and ground water monitoring beginning eighteen months after enactment of this section, on a showing by the owner or operator of any such unit that sufficient capacity to dispose of ash in compliance with such requirements is not available for this unit taking cost into consideration. No variance granted under this paragraph shall extend for a period longer than thirty months after the date of enactment of this section.

"(D) Notwithstanding the provisions of subparagraph (A) of this paragraph, the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from municipal waste incineration units be disposed only in landfills meeting the requirements of paragraph (3) or (4) of this subsection beginning forty-eight months after the date of enactment of this section, on a showing by the owner or operator of any such unit that good faith efforts were made to satisfy such requirement but the unit will fail to do so for reasons not in control of the owner or operator of such unit. No variance granted under this paragraph shall extend for a period longer than seventy-two months after the date of enactment of this section.

"(E) If the Administrator fails to promulgate regulations under paragraph (1)(B) of this subsection for the disposal of ash from municipal incineration units, no person may dispose of ash in a landfill after forty-eight months after the date of enactment of this section unless such landfill satisfies the requirements of paragraph (1) or (3) of this subsection.

"(e) MEDICAL WASTES.—(1) For the purpose of promulgating guidelines under subsection (a)(1)(D) of this section, medical wastes shall include surgical, biological, isolation, laboratory and such other waste materials as the Administrator determines that because of their nature, presence, or contact may result in potential contamination with infectious agents.

"(2) Guidelines promulgated under subsection (a)(1)(D) of this section for the storage and containment of infectious wastes shall require—

"(A) segregation of infectious waste from other wastes in leakproof containers labeled with a warning sign, and of sufficient strength to prevent ripping, tearing or bursting under normal conditions. Reusable containers for infectious waste shall be washed and decontaminated each time they are emptied;

"(B) such containers shall be stored no more than ninety days at the producing facility and shall be stored in a manner to deny access by unauthorized persons; or

"(C) trash chutes to transfer infectious waste between locations where it is stored are prohibited.

"(3) Guidelines promulgated under subsection (a)(1)(D) of this section, for the treatment and disposal of infectious wastes shall require—

"(A) infectious wastes to be handled separately until treatment or disposal is accomplished;

"(B)(i) incineration in a controlled-air, multi-chambered, incinerator which—

"(a) effectively destroys all categories of infectious wastes, and effectively kills live and dormant forms of pathogenic organisms;

"(b) minimizes the production and emission of toxic pollutants through the application of best available control technology, and through application, to the extent practicable, of emission standards at least as stringent as those established pursuant to section 129 of the Clean Air Act;

"(c) prevents compaction and rupture of containers during loading operations;

"(d) disposes of combustion residuals pursuant to subsection (d) of this section; or

"(ii) sterilization or alternate treatment technologies which—

"(a) demonstrate that all pathogenic organisms are rendered harmless;

"(b) provide for quality assurance programs;

"(c) provide for periodic testing using biological indicators that demonstrate proper sterilization of the waste stream;

"(d) provide for labeling that clearly distinguishes treated from untreated waste;

"(e) in the case of steam sterilization, provide for loading parameters that ensure consistent and adequate steam and heat penetration to each load;

"(f) in the case of chemical disinfection, provide for testing which indicates that all pathogens have been rendered harmless prior to transfer or disposal of treated waste; and

"(g) are otherwise in conformance with any standard, requirement, criteria, or limitation under any Federal or State environmental law or regulation, including, but not limited to, the Toxic Substances Control Act, the Safe Drinking Water Act, the Clean Air Act, the Clean Water Act, the Marine Protection, Research, and Sanctuary Act, or the Solid Waste Disposal Act.

"(4) Guidelines promulgated under subsection (a)(1)(D) of this section, for the transportation of infectious wastes shall require—

"(A) transportation of infectious waste in a leakproof, fully enclosed container within a vehicle compartment, and segregated from other wastes;

"(B) transportation by a registered hauler of infectious waste;

"(C) a manifest for accountability and tracking of infectious wastes from their point of generation to point of disposal at a permitted facility; and

"(D) a prohibition on the transportation of infectious wastes in a vehicle that will be used to transport food and food products.

"(f) MINING WASTES.—(1) Guidelines promulgated under subsection (a)(1)(E) of this section shall require numerical standards of performance to control releases to the environment from wastes generated from the extraction, benefication, and processing of ores and minerals at active and inactive operations. States shall implement such standards of performance through the application of the best available control technology determined by the State on a site-specific basis to ensure protection of human health and the environment.

"(2) For purposes of this section, the term 'inactive operations' means operations facilities, sources, units, or portions thereof, that are used or operated intermittently or periodically but not presently.

"(g) OIL AND GAS WASTES.—Guidelines promulgated under subsection (a)(1)(G) of this section shall require numerical standards of performance to control releases to the environment from wastes generated from oil and gas exploration, development and production operations including associated wastes. The Administrator shall also require standards for bonding, plugging, and abandonment of oil and gas wells. States shall implement such standards of performance through the application of the best available control technology as determined by the State to ensure protection of human health and the environment.

"(h)(1) INDUSTRIAL SOLID WASTES.—Except as provided in section 3005(j) (2), (3), or (4) of this Act, and paragraph (2) of this subsection, regulations promulgated pursuant to section 4011(a)(1)(H) of this Act shall prohibit within four years after enactment of this Act the treatment, storage, or disposal of solid waste in any surface impoundment in existence on the date of enactment of Waste Minimization and Control Act of 1989 and qualifying for the authorization to operate under section 4010 of this Act unless such surface impoundment is in compliance with the requirements of section 3004(o)(1)(A) of the Solid Waste Disposal Act which would apply to such impoundments if new.

"(2) Paragraph (1) of this subsection shall not apply if the owner or operator demonstrates to the State (or the Administrator), that such alternative designs and operating practices together with locational characteristics and waste characteristics will prevent the migration of any constituent that the State (or the Administrator) determines

may pose a threat to human health and the environment, into the ground or surface water at least as effectively as such liners and leachate collection systems.".

(b) Part A of title I of the Clean Air Act is amended by adding the following new section:

"MUNICIPAL WASTE COMBUSTION

"SEC. 129. (a)(1)(A) Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate standards of performance to control emissions of air pollutants into the ambient air from each—

"(i) new or modified municipal waste incineration unit; and

"(ii) municipal waste incineration unit which begins operation after July 1, 1989 except units which are substantially completed before such date.

"(B) The standards promulgated under this subsection shall reflect the greatest degree of emission limitation achievable through application of the best available control technologies and practices which the Administrator determines at the time of promulgation (or revision, in the case of a revision of a standard)—

"(i) has been achieved in practice by a municipal waste incineration unit, excluding periods of malfunction or misoperation, or

"(ii) is contained in a State or local regulation or any permit for municipal waste incineration units, and will be implemented at such units,

whichever is more stringent, unless the Administrator determines that such degree of emission limitation will not be achievable by units to which the standards apply or was adopted for reasons that are unique to the unit or jurisdiction in which the unit is located and are not applicable to other units or jurisdictions. In determining the emissions limitation to be required under this subsection, the Administrator shall take into account the performance of all units which achieve, in whole or in part, emissions limitations more stringent than current standards and may subsequently exclude units from consideration only to the extent provided in this subparagraph. In establishing standards under this section the Administrator may distinguish between types and classes of municipal waste incineration units based on combustion technology or pollution control systems.

"(C) In no event shall the standards promulgated under this subsection permit such municipal waste incineration units to emit any pollutant in excess of the amount allowable under any applicable new source standards of performance.

"(D) Standards under this subsection shall be based on methods and technologies for removal or destruction of pollutants before, during, or after combustion, and shall incorporate citing requirements that minimize, on a site specific basis, to the maximum extent practicable, any potential risk to human health or the environment. The following practices and control technologies, used individually, in combination with one another, or in combination with other available practices or control technologies not identified in this paragraph, shall be deemed available for purposes of this paragraph: electrostatic precipitators, fabric filtration, flue gas scrubbers, spray dry scrubbers, negative air flow, and good combustion practices, including availability of auxiliary fuel to maintain specific temperatures.

"(E) In adopting standards of performance, the Administrator may take into consideration other technologies and practices that, either by themselves or in combination with other technologies or practices, may achieve a greater degree of emission reduction for the pollutants specified in paragraph (2)(A), including the use of selective or nonselective catalytic reduction, wet flue gas denitrification, selective noncatalytic reduction, wet scrubbing, or catalytic oxidation. The Administrator may require new facilities to be constructed according to designs which allow for addition of selective catalytic reduction, and other technologies, as they become available, except that selective catalytic reduction may not be required by the Administrator at municipal waste incineration units which have installed flue gas treatment for control of emissions of oxides of nitrogen prior to the date of enactment of this section.

"(2)(A) The standards promulgated under this subsection shall specify numerical emission limitations for the following substances or mixtures: particulate matter (total and fine), opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, halogenated organic compounds, dioxins, and dibenzofurans. In establishing such standards of performance under this subsection, the Administrator shall take into account the use of numerical standards or other methods to reduce the presence in air emissions or ash from a municipal waste incineration unit of each of the following additional substances; volatile organic compounds, beryllium, hydrogen fluoride, antimony, arsenic, barium, chromium, cobalt, copper, nickel, selenium, zinc, polychlorinated biphenyls, chlorobenzenes, chlorophenols, and polynuclear aromatic hydrocarbons.

"(B) In no event shall any such standard allow—

"(i) an outlet gas carbon monoxide concentration greater than 50 parts per million corrected to 7 per centum oxygen on a four-hour average except that the Administrator is authorized to establish a standard for refuse-derived fuel units allowing carbon monoxide concentrations not to exceed 100 parts per million corrected to 7 per centum oxygen on a four-hour average provided that such units commencing construction or modification after the date of enactment of this section control emissions with dry scrubbers and fabric filtration;

"(ii) an outlet gas particulate concentration greater than 0.015 grains per dry standard cubic foot corrected to 7 per centum oxygen;

"(iii) an outlet gas concentration of sulfur dioxide greater than 40 parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled emissions of sulfur dioxide are reduced by not less than 70 per centum;

"(iv) an outlet gas concentration of hydrogen chloride greater than 30 parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled hydrogen chloride emissions are reduced by not less than 90 per centum; or

"(v) a retention temperature and time of less than 1800 degrees Fahrenheit or less than one second at fully mixed height (or the equivalent), except that the Administrator may establish standards for combustion parameters (including temperature) other than those stated in this paragraph for units employing atmospheric-fluidized bed boilers for the control of oxides of nitrogen; *Provided,* That such standards achieve a combustion efficiency equivalent to that required of other units.

"(3) Standards promulgated under this subsection shall be effective no later than six months after the date of promulgation. To the extent that installation of an acid gas scrubber at a municipal waste incineration unit is required to comply with a standard or standards under this subsection, such standard shall be effective for units at which a scrubber is to be installed not later than twenty-four months after the date of promulgation. Not later than five years following the initial promulgation of such standards and at five-year intervals thereafter, the Administrator shall review and, in accordance with this subsection, revise such standards. Such revised standards shall be effective as of the date six months after the date of promulgation with respect to facilities which begin construction or modification on or after the date on which such standards are first proposed.

"(4) After the effective date of any standard promulgated under this section, it shall be unlawful for any owner or operator of any municipal waste incineration unit to operate such unit in violation of such standard applicable to such unit.

"(5) When promulgating standards (or revised standards) under this subsection the Administrator shall consider the applicability of such standards (as the result of subsection (k)(2)(B)) to municipal waste incineration units already in operation and shall publish with such standards a schedule for compliance for each such unit providing adequate time for retrofit of necessary pollution control equipment, but in no event longer than four years after the date standards are promulgated.

"(b)(1) In addition to any other applicable requirements, after the date twenty-four months after the enactment of this section, no permit may be issued under a State program approved under part C or part D of this Act for any new or modified municipal waste incineration unit unless (A) the applicant has fully complied with the application requirements for the permit (pursuant to 40 C.F.R. 52.21) and any applicable State requirements before such date, or (B) each of the jurisdictions served by the municipal waste incineration unit (as designated by the State in accordance with section 4006 of the Solid Waste Disposal Act) has prepared, after notice and opportunity for public comment and public hearing, and submitted to the appropriate State official an enforceable solid waste management plan, in accordance with sections 4003 and 4011 of the Solid Waste Disposal Act.

"(2) Beginning twenty-four months after the date of enactment of this section, no permit may be issued under this Act to a municipal waste incineration unit unless a permit pursuant to section 4010 of the Solid Waste Disposal Act for treatment, storage or disposal of municipal waste combustion ash has been issued.

"(c) If the Administrator fails to promulgate standards under subsection (a) of this section, beginning eighteen months after the date of enactment of this section and extending until such time as standards are promulgated, no permit may be granted to the owner or operator of any municipal waste incineration unit which begins operation after July 1, 1989, and which is required to obtain a permit under a State program approved under part C or part D of this Act unless such permit requires compliance with emission standards that comply with subsection (a)(2)(B). Compliance with standards promulgated under subsection (a) shall be required six months after the date such standards are promulgated for all municipal waste incineration units subject to

the provisions of this subsection, unless a unit is required to install an acid gas scrubber to comply with a standard in which case the standard shall be effective for such unit no later than twenty-four months after promulgation.

"(d) Not later than eighteen months after the enactment of this section, the Administrator shall promulgate regulations and standards of performance to control emissions of air pollutants into the ambient air from each municipal waste incineration unit which is in operation or which is substantially completed prior to January 1, 1989. Such standards of performance shall be established on the basis of the degree of emission limitation achievable through application of available control technologies and practices as determined under subsection (a)(1), and shall specify emission limitations for the substances required under subsection (a)(2). In establishing standards under this subsection the Administrator may distinguish between types and classes of municipal waste incineration units based on combustion technology or pollution control systems. In no event shall any such standard allow—

"(1) an outlet gas carbon monoxide concentration greater than 100 parts per million corrected to 7 per centum oxygen on an eight-hour average except that the Administrator is authorized to establish a standard for units allowing carbon monoxide concentrations not to exceed 200 parts per million corrected to 7 per centum oxygen on an eight-hour average provided that such units control emissions with acid gas scrubbers and fabric filtration;

"(2) an outlet gas particulate concentration greater than 0.020 grains per dry standard cubic foot corrected to 7 per centum oxygen;

"(3) an outlet gas concentration of sulfur dioxide greater than 60 parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled emissions of sulfur dioxide are reduced by 70 per centum;

"(4) an outlet gas concentration of hydrogen chloride of 45 parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled emissions of hydrogen chloride are reduced by 90 per centum; or

"(5) a retention temperature and time of less than 1800 degrees Fahrenheit or less than one second at fully mixed height (or the equivalent).

The Administrator shall promulgate a schedule for compliance with these standards. In no event shall such schedule provide for compliance with such standards later than the date six years after the enactment of this section, except that facilities which will be required to meet standards established under subsection (a) (as a result of subsection (k)(2)(B)) within three additional years of such date may be allowed a variance from the compliance schedule of this section during such three-year (or shorter) period provided that the owner or operator of any unit seeking a variance certifies that compliance with standards established under subsection (a) will be achieved on and after the date applicable under subsection (a).

"(e)(1) The Administrator shall promulgate regulations requiring the owner or operator of each municipal waste incineration unit—

"(A) to monitor emissions from the unit at the point at which such emissions are emitted into the ambient air (or within the stack, combustion chamber, or pollution control equipment, as appropriate) and at such other points as necessary to protect human health and the environment;

"(B) to monitor such other parameters relating to the operation of the unit and its pollution control technology as the Administrator determines are appropriate; and

"(C) to report the results of such monitoring.

Such regulations shall contain provisions regarding the frequency of monitoring, test methods and procedures validated on municipal incineration units, and the form and frequency of reports containing the results of monitoring and shall require that any monitoring reports or test results indicating exceedance of standards under this section shall be reported separately and in a manner that facilitates review for purposes of enforcement actions. Such regulations shall require that copies of the results of such monitoring be maintained on file at the facility concerned and that copies shall be made available for inspection and copying by interested members of the public during business hours.

"(2) The Administrator shall promulgate the regulations required under this subsection within eighteen months after the enactment of this section. Such regulations may be revised from time to time in accordance with paragraph (1). Except as provided in paragraph (3), the requirements of this subsection shall take effect—

"(A) upon commencement of operation of any new or modified unit; and

"(B) twenty-four months after the enactment of this part in the case of any existing municipal waste incineration unit.

"(3)(A) The regulations promulgated under this subsection shall, at a minimum, require continuous monitoring for the following: opacity, hydrogen chloride (if such monitoring device or method is available), sulfur dioxide, oxides of nitrogen, carbon monoxide, carbon dioxide, oxygen, stack temperature, furnace temperature (or secondary combustion zone temperature, as appropriate) and stack gas temperature at the inlet to the particulate control device.

"(B) For all emissions subject to standards under this section that are not subject to continuous monitoring under subparagraph (A), the regulations promulgated under this subsection shall require periodic monitoring of such emissions at each municipal waste incineration unit not less frequently than—

"(i) every six months, or

"(ii) six months after commencement of operations, and every eighteen months thereafter if the owner or operator of such unit demonstrates that such unit has complied with all applicable emissions standards as of the commencement of operations and during the previous periods of monitoring and maintains compliance with all applicable emissions standards during each interval between monitoring.

Regulations promulgated under this section shall provide for prompt monitoring of emissions and parameters which are not monitored continuously whenever there is a violation of a related emission standard or parameter which is continuously monitored.

"(C) The initial monitoring under this subsection shall commence at the later of the following—

"(i) the date six months after the promulgation of regulations under this subsection; or

"(ii) the commencement of operation of the unit concerned.

"(4) Notwithstanding the provisions of paragraph (3), regulations promulgated under this subsection and applicable to municipal waste incineration units which are not major emitting facilities as defined in part C may provide for monitoring with other than EPA-certifiable monitoring methods and shall at a minimum require continuous monitoring of: oxygen, opacity; furnace temperature (or secondary combustion zone temperature, as appropriate); carbon monoxide; pH; and such other parameters as the Administrator shall require.

"(5)(A) The regulations required by this subsection may require the owner or operator of each municipal waste incineration unit to establish and operate, or to pay the costs of establishing and operating, a program to detect impacts of the unit, or any associated releases, on the environment or human health. Such program shall require periodic testing for and public reporting of the presence of waste constituents or contaminants (or indicators thereof) at statistically significant levels.

"(B) In any case in which exposure to municipal waste incineration unit emissions or ash may pose a potential risk to human health, the Administrator or the State may request the Administrator of the Agency for Toxic Substances and Disease Registry to conduct a health assessment in connection with the unit and such other health studies or surveillance as may be warranted, as authorized under section 104(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Such studies may include programs to detect changes in the body burden of various pollutants including but not limited to lead, mercury, cadmium, halogenated hydrocarbons, and dioxins in any area affected by incineration unit emissions or ash.

"(f) Notwithstanding any other provision of this Act, each permit for a municipal waste incineration unit issued under this Act may be issued for a period of up to twenty years and shall be reviewed every five years after date of issuance or reissuance. Each permit shall continue in effect after the date of issuance until the date of termination, unless the Administrator or State determines—

"(1) that the unit is not in compliance with all standards and conditions contained in the permit;

"(2) that compliance with additional conditions will impose minimal costs on the owner or operator of the unit and such conditions will reduce air emissions below levels specified in the permit, or

"(3) capacity to treat or dispose of the ash from such unit in compliance with section 4011 of the Solid Waste Disposal Act for a five-year period after such determination has not been demonstrated.

Such determination shall be made at regular intervals during the term of the permit, such intervals not to exceed five years, and only after public comment and public hearing. For purposes of this subsection, the term "minimal costs" shall not exceed five percent of the actual capital costs of the unit. No permit for a municipal waste incineration unit may be issued under this Act by an agency, instrumentality or person (other than a Governor) that is also responsible, in whole or part, for the design and construction or operation of the unit. Notwithstanding any other provision of this subsection, the Administrator or State may require the owner or operator of any unit to comply with emissions limitations or implement any

other measures, if the Administrator or State determines that emissions in the absence of such limitations or measures may reasonably be anticipated to endanger public health or the environment.

"(g)(1) Nothing in this section shall diminish or otherwise affect any authority to establish and enforce standards under section 111 or 112 or under any other authority of law for emissions from municipal waste incineration units of any air pollutant not referred to in subsection (a). With respect to emissions from municipal waste incineration units of any air pollutant referred to in subsection (a)—

"(A) nothing in this section shall diminish the authority of the Administrator to promulgate more stringent standards under section 112 or any other provision of this Act;

"(B) nothing in this section shall diminish the authority of the Administrator or a State to establish any other requirements under any other authority of law, including the authority to establish for any such air pollutant a national ambient air quality standard;

"(C) no requirement of an applicable implementation plan under section 165 (relating to construction of facilities in regions identified pursuant to section 107(d)(1) (D) or (E)) or under section 172(b)(6) (relating to permits for construction and operation in nonattainment areas) may be used to weaken the standards in effect under this section; and

"(D) nothing in this section shall be interpreted, construed, or applied to limit the authority of the Administrator to impose more stringent requirements for the incineration of hospital or other infectious wastes under this Act or other authority including subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921, et seq.).

"(2) Nothing in this Act shall be construed, interpreted, or applied to preempt, supplant, or displace other State or Federal law, whether statutory or common.

"(h) Any State may submit to the Administrator a proposed State program for implementation and concurrent enforcement of the requirements of this section. Ninety days after submission to the Administrator, the State shall be treated as authorized to enforce the requirements of this section in such State unless the Administrator determines that the State program does not provide enforcement equivalent to Federal enforcement under this Act. Whenever the Administrator determines that a State is not enforcing the requirements of this section in a manner equivalent to Federal enforcement, the Administrator shall withdraw the authorization for such State. Each State program approved under this subsection shall, at a minimum, include permitting requirements for each new and existing municipal waste incineration unit located in the State. Any permit issued by a State may be reviewed and withdrawn by the Administrator on the Administrator's own motion or upon a showing by any person that the conditions contained in such permit are not in compliance with the requirements of this Act.

"(i) Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard relating to municipal waste incineration units that is more stringent than a regulation, requirement, or standard in effect under this section or under any other provision of this Act.

"(j) For purposes of sections 111(e), 113, 114, 116, 120, 304, and 307 each standard and other requirement promulgated under this section shall be treated in the same manner as a standard of performance under section 111 which is an emission limitation and each requirement of a State plan authorized under this section shall be treated as a requirement of an applicable implementation plan. Any civil penalties imposed by a court against a unit of local government under this Act for violations of this section shall be paid into a trust fund or comparable mechanism established by a court or the State and shall be applied in support of public programs or activities, as authorized by the court (or a fund administrator appointed by the court), that serve to enhance the protection of human health and the environment of the residents of such unit of local government but shall not be used to come up into compliance with requirements established under this section or section 4011 of the Solid Waste Disposal Act.

"(k) As used in this section:

"(1) The term 'municipal waste incineration unit' means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act.

"(2) The term 'new municipal waste incineration unit' means a municipal waste incineration unit—

"(A) the construction or modification of which is commenced after the Administrator proposes requirements under this section establishing emissions standards or other requirements which would be applicable to such unit; or

"(B) effective January 1, 1992, which had commenced operation twenty years or more previously.

"(3) The term 'substantially completed unit' means a unit not in operation before July 1, 1989, for which the addition of required pollution control equipment will cost more than twice what such equipment would have cost had it been constructed as part of the permitted design or for which 90 per centum of all construction has been completed before such date.

"(4) The term 'modified municipal waste incineration unit' means a municipal waste incineration unit at which modifications have occurred after the effective date of a standard under subsection (a) or (d) if (A) the cumulative cost of the modifications, over the life of the unit, exceed 50 per centum of the original cost of construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation), or (B) the modification is a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under this section.

"(5) The term 'existing municipal waste incineration unit' means a municipal waste unit which is not a new or modified municipal waste incineration unit.

"(l)(1) Not later than eighteen months after the enactment of this section, the Administrator shall publish guidelines identifying items or materials that should be removed from municipal waste prior to incineration, either through separation by the generator of such waste or at a central facility from the general waste stream or through limitations on the composition (including inks and pigments) of products or on the disposal of such items or materials in municipal waste.

"(2) Regulations under this section shall require the operator of any municipal waste incineration unit to establish contractual requirements or other appropriate notification and inspection procedures sufficient to assure that the unit does not receive any waste required to be placed in a facility permitted under section 3005 of the Solid Waste Disposal Act.

"(m) Not later than eighteen months after the enactment of this section, the Administrator shall develop and promote a model State program for the training and certification of municipal waste incinerator operators. The program shall include a requirement that all operators achieve a passing grade on an examination on (and participate in continuing education to stay informed about) current technology for the control of pollution from municipal waste incineration units. The Administrator may authorize any State to implement a State program for the training and certification of municipal waste incinerator operators if the State has adopted a program which is at least as stringent as the model program developed by the Administrator. Beginning on the date thirty months after the date of enactment of this section it shall be unlawful to operate a municipal waste incineration unit unless each person with control over processes affecting emissions from such unit has satisfactorily completed a training and certification program meeting the requirements established by the Administrator under this subsection.".

(b) Section 169(1) of the Clean Air Act is amended by striking "two hundred and" after "municipal incinerators capable of charging more than".

(c) Section 113 of the Clean Air Act is amended by adding ", 129" after "112(c)" wherever it occurs.

SEC. 205. FEDERAL ENFORCEMENT.

Subtitle D of the Solid Waste Disposal Act is further amended by adding the following new section:

"SEC. 4012. (a) COMPLIANCE ORDERS.—(1) Except as provided in paragraph (2) of this subsection, whenever, on the basis of any information, the Administrator determines that any person has violated or is in violation of any requirement of this subtitle, subtitle E, or of any permit issued by a State pursuant to authority certified under section 4010(c) of this Act or by the Administrator pursuant to section 4010(e) of this Act, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this subtitle, subtitle E, or of any permit, where such violation occurs in a State that has certified its authority under section 4010(c) of this Act to issue permits, the Administrator shall give notice to the State in which such violation has occurred and to the alleged violator at least sixty days prior to issuing an order or commencing a civil action under this section. The Administrator shall take no further action under this section with respect to the viola-

tion if, within sixty days of the Administrator's notice, the State has commenced and is prosecuting, or has prosecuted, an administrative, civil or criminal action before a duly authorized State agency or before a court of the United States or a State to require compliance with such requirement.

"(3) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator or a State under this subtitle and shall with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 per day of noncompliance for each violation of a requirement of this subtitle. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(b) PUBLIC HEARINGS.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents, and may promulgate rules for discovery procedures.

"(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $10,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator (whether issued by the Administrator or the State).

"(d) CIVIL PENALTY.—Any person who violates any requirement of this subtitle, subtitle E, or any permit issued pursuant to section 4010 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation. Each day of violation shall, for purposes of this subsection, constitute a separate violation.

"(e) CRIMINAL PENALTY.—Any person who knowingly or willfully violates any requirement of this subtitle, subtitle E, or any permit issued pursuant to section 4010 of this Act or any person who misrepresents or falsifies any information required under this subtitle, subtitle E, or any permit issued pursuant to section 4010 of this Act shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (d) of this section for such violation, be subject, upon conviction, to a fine of not more than $10,000 for each day of violation, or to imprisonment for not more than one year, or both.".

SEC. 206. WASTE EXPORT.

Subtitle D of the Solid Waste Disposal Act is further amended by adding the following new section:

SEC. 4013. (a)(1) PROHIBITION OF INTERNATIONAL WASTE SHIPMENTS.—Effective on the date of enactment of this Act no person shall export any solid waste (as defined in section 1004 of the Solid Waste Disposal Act) outside the United States for the purpose of disposal or incineration, except as provided in paragraph (2) of this subsection.

(2) Effective twenty-four months after the date of enactment of this Act, it shall be unlawful to export solid waste to Canada unless the United States and the Canadian Government have entered into an agreement concerning transboundary movement of solid waste, that meets the conditions established in subsections (b) and (c) of this section.

(3)(A) Effective twenty-four months after the date of enactment of this Act, it shall be unlawful to export solid waste for recycling unless the United States and the government of the receiving country have entered into a bilateral or multilateral agreement as provided for in subsections (b) and (c) of this section and the shipment conforms with the terms of such agreement.

(B) The prohibition of this paragraph shall not apply to baled waste paper or glass cullet, or metals or plastics, that have been separated from solid waste before export, and are exported for the purpose of being recycled into new products.

(4) The Administrator may prohibit the export of any solid waste whenever he has reason to believe that the transportation, treatment, storage, disposal, or recycling of such waste may threaten human health or the environment.

(b) INTERNATIONAL AGREEMENTS.—Any agreement pursuant to subsections (a) (2) or (3) of this section shall require at a minimum—

(1) a provision for the notification of shipments of wastes;

(2) a provision for obtaining the prior consent of the receiving country to accept any waste shipment and a certification from the receiving country that any such shipment meets the terms of the agreement;

(3) a provision on the information exchange pursuant to subsection (c)(2) of this section on the manner in which the wastes will be managed in the receiving country, including mechanisms to provide the United States with the information necessary to ensure that the transportation and management of such solid waste shall be conducted with standards protective of human health and the environment.

(4) a provision for periodic review of the effectiveness of the agreement.

(c)(1) REGISTRATION OF EXPORTERS.—No person may export solid waste unless he exports the waste in compliance with the terms of the agreement and he has registered with the Administrator as an exporter of solid waste and the information filed as specified in subsection (c)(2) of this section, including any amendments thereto, is accurate as of the time that the export is made.

(2) FILING.—Any registration filed under this section shall be signed by the chief executive officer or responsible elected official and shall contain the information specified below. The Administrator may augment or further define by regulation as he deems appropriate—

(A) the name and address of the exporter;

(B) the composition, quantities, and concentrations of wastes to be exported to any foreign country;

(C) the names and addresses of any persons on whose behalf the applicant intends to export waste (including persons who are the generators of such waste);

(D) the estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported;

(E) the ports of exit and entry; and

(F) the name and address of the ultimate treatment, recycling and residue management facility or facilities, and the manner in which such waste will be handled.

(d) REPORT.—Any person who registers for export of solid waste under subsection (c) of this section shall file with the Administrator no later than March 1 of each year, a report which summarizes exports of solid waste undertaken pursuant to such registration; the information reported shall address each of the items for registration set forth in subsection (c)(2) of this section. No later than September 30, 1989, and annually thereafter, the Administrator shall provide Congress with a report summarizing the information contained in the reports filed by registrants pursuant to this subsection.

SEC. 207. FEDERAL ASSISTANCE.

(a) Section 4008(a)(1) of the Solid Waste Disposal Act is amended by—

(1) striking "and" after "fiscal year 1982"; and

(2) by inserting after "10,000,000 for each of the fiscal years 1985 through 1988" the following: ", and $100,000,000 in funds for each of the fiscal years 1989 through 1993".

(b) Section 4008(a)(2)(A) of the Solid Waste Disposal Act is amended by deleting "and fiscal or economic investigations or studies;" and inserting in lieu thereof "installation of monitoring devices, and fiscal or economic investigations or studies;".

(c) Section 4008(2)(C) of the Solid Waste Disposal Act is amended by deleting "$10,000,000 for fiscal year 1982, and $10,000,000 for each year of the fiscal years 1985 through 1988" and inserting in lieu thereof "$10,000,000 for fiscal years 1982 through 1988 and $50,000,000 in funds, for each of the fiscal years 1989 through 1993".

(d) Section 4008(a)(3)(D) of the Solid Waste Disposal Act is amended by adding "(iii) to be appropriated for each of the fiscal years 1989 through 1993, $250,000,000" and by inserting before the period at the end of the first sentence, "and section 4011".

SEC. 208. RURAL COMMUNITIES ASSISTANCE.

(a) Section 4009(a) of the Solid Waste Disposal Act is amended by inserting after "The Administrator shall make grants to States to provide assistance" the following "including grants for the installation of monitoring devices".

(b) Section 4009(d) of the Solid Waste Disposal Act is amended by deleting "and $15,000,000 for each of the fiscal years 1981 and 1982 to carry out this section." and insert the following, ", $15,000,000 for each of the fiscal years 1981 and 1982, and $100,000,000 for each of the fiscal years 1989 through 1991 to carry out this section.".

(c) Section 4009 of the Solid Waste Disposal Act is amended by adding the following at the end thereof:

"(e) RURAL WASTE RECYCLING DEMONSTRATION PROGRAM.—(1) The Administrator is authorized and directed to make grants to all States with a population density of ten persons per square mile or less based on the Statistical Abstract of the United States 1988, published by the United States Department of Commerce, Bureau of the Census, page 19, table 21, to conduct feasibility studies or to establish and operate recycling demonstration programs.

"(2) A feasibility study shall at a minimum include an assessment of recycling technology, collection methods, potential recycling rates, markets for recyclables and financial incentives, suitable for solid waste recycling.

"(3) Any demonstration program shall be consistent with the feasibility study conducted pursuant to paragraph (2) of this subsection.

"(4) There are authorized to be appropriated $1,000,000 for each of the fiscal years

1989 through 1991 to carry out this subsection.".

TITLE III—WASTE REDUCTION AND RECYCLING ACT OF 1989

SEC. 301. WASTE REDUCTION AND RECYCLING GOALS.

(a) The title of subtitle E of the Solid Waste Disposal Act is amended to read as follows: "Waste Reduction and Recycling".

(b) Sections 5001 to 5006 of the Solid Waste Disposal Act are redesignated as sections 5011 to 5016.

(c) Section 5001 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5001. WASTE REDUCTION AND RECYCLING GOALS.—The Administrator shall—

"(1) establish a national performance efficiency standard pursuant to section 5005 of this Act;

"(2) establish a national goal for each State to attain 25 per centum municipal solid waste recycling within four years, 50 per centum within ten years and 10 per centum municipal solid waste reduction within four years, unless the State demonstrates it is not practicable;

"(3) establish responsibility for waste reduction and recycling within the Environmental Protection Agency to provide outreach and technical assistance to the industrial community and States on waste reduction and recycling methods and opportunities, and to the educational community to promote the introduction of waste reduction and recycling principles into academic curricula;

"(4) ensure that the Environmental Protection Agency's existing and proposed programs, policies, regulations and guidelines are consistent with these waste reduction and recycling goals, by requiring the responsible office for waste reduction and recycling activities to review and sign-off on appropriate agency actions; and

"(5) establish a national packaging institute to develop voluntary packaging standards to encourage waste reduction and recycling.".

SEC. 302. OFFICE OF WASTE MINIMIZATION.

Section 5002 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5002. (a) AUTHORITY.—The Administrator shall establish within the Office of the Administrator a multimedia Office of Waste Minimization with a separate section solely responsible for waste reduction activities.

"(b) FUNCTIONS.—The Administrator is authorized to carry out the provisions of this Act to include specifically the following functions—

"(1) assist States and industry in implementing the goals established in section 5001 of this Act;

"(2) administer the waste reduction and recycling grants established under section 5003 of this Act;

"(3) administer the waste reduction and recycling clearinghouse and collect annual waste reduction and recycling information established under section 5004 of this Act;

"(4) prepare and submit reports on waste reduction and recycling established under section 5006 of this Act;

"(6) coordinate with the Packaging Institute to carry out functions required under section 5007 of this Act;

"(7) coordinate with the Federal agency actions required under section 5008 of this Act;

"(8) promulgate Federal procurement guidelines required under section 6002 of subtitle F of this Act; and

"(9) coordinate with the Secretary of Commerce to carry out functions required under sections 5011 to 5016 of this Act.

SEC. 303. GRANTS TO STATES FOR TECHNICAL ASSISTANCE PROGRAMS.

Section 5003 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5003. (a) GENERAL AUTHORITY.—Upon application of a State and from funds available from the waste disposal fund pursuant to section 4008 and section 4009 of this Act, the Administrator shall make grants, subject to such terms and conditions as the Administrator considers appropriate, under this section to such State for the purpose of assisting the State in developing and implementing a program to promote the use of waste reduction and recycling techniques by businesses, local governments, or regional waste management authorities.

"(b) APPLICATIONS.—An application for a grant under this section, in any fiscal year, shall be in such form and shall contain such other information as the Administrator may require.

"(c) FEDERAL SHARE.—The Federal share of the cost of assisting a State in carrying out waste reduction and recycling activities in any fiscal year under this section shall be no more than 50 per centum of the funds made available to a State in each year of that State's participation in the program.

"(d) CRITERIA.—For each fiscal year beginning after September 30, 1989, the Administrator shall give consideration in determining the Federal share of any such grant, to States which have implemented or are proposing to implement waste reduction and recycling programs which will provide—

"(1) specific technical assistance to businesses and communities seeking information about waste reduction and recycling opportunities, including funding for experts to provide on-site technical advice to businesses and communities seeking assistance;

"(2) assistance to businesses and communities for whom lack of information is an impediment to waste reduction and recycling; and

"(3) training on waste reduction and recycling techniques, through local educational institutions and other appropriate programs.

"(e) EFFECTIVENESS.—The Administrator shall establish appropriate means for measuring the effectiveness of the State grants made under this section in promoting the use of waste reduction and recycling techniques.

"(f) SATISFACTORY PROGRESS.—No grant may be made under this section in any fiscal year to a State which in the preceding fiscal year received a grant under this section unless the Administrator determines that such State made satisfactory progress in promoting the use of waste reduction and recycling techniques.

"(g) REQUEST FOR INFORMATION.—The Administrator may request such information, data, and reports as he considers necessary to make the determination of continuing eligibility for grants under this section.

"(h) REPORTING.—Each State shall report to the Administrator on the progress in promoting waste reduction and recycling techniques and shall make other information generated under the grants available to the Administrator.".

SEC. 304. WASTE REDUCTION AND RECYCLING CLEARINGHOUSE.

Section 5004 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5004. (a) AUTHORITY.—The Administrator shall establish a waste reduction clearinghouse to compile information on management, technical, and operational approaches to waste reduction and recycling. The clearinghouse shall—

"(1) serve as a center for waste reduction and recycling technology transfer;

"(2) encourage active State outreach and education programs to further the adoption of waste reduction and recycling technologies; and

"(3) collect, compile, evaluate, and disseminate information reported by States receiving grants under section 4 on waste reduction and recycling techniques and effectiveness.

"(b) PUBLIC AVAILABILITY.—The Administrator shall make available to the public such information on waste reduction as is developed pursuant to this Act and other pertinent information and analysis regarding waste reduction on a cost reimbursable basis. The Administrator shall determine feasible methods, including the use of computers, to make such information available in a manner compatible with other information maintained by the EPA relevant to waste reduction and recycling.".

SEC. 305. HAZARDOUS SUBSTANCES EFFICIENCY STANDARD.

(a) Section 5005 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5005. (a) EFFICIENCY STANDARD.—(1) Except as provided in this section, effective one hundred and twenty months after the date of enactment of this Act, the release of hazardous substances to the environment of more than 5 per centum of production through put by any person required to file a toxic chemical release form under section 313 of the Superfund Amendments and Reauthorization Act of 1986, shall be unlawful.

"(2) The Administrator shall, within thirty-six months after the date of enactment of this Act and after notice and opportunity for public hearing, promulgate regulations specifying the manner in which any manufacturer subject to this provision shall calculate the production throughput of hazardous substances for the purpose of establishing a basis for the required percentage determination. Such regulations may distinguish among manufacturing processes and categories and among products produced.

"(3) The Administrator or a State authorized pursuant to section 3006 of this Act or a State with the permit program under section 4010 of this Act may waive this standard on a plant by plant basis if a determination is made that such a standard is technically infeasible; that such plant is in compliance with subsection (b) of this section; that all available minimization procedures have been adopted; and that all releases from such plant are in the form of permitted managed waste or in compliance with applicable permits under the Clean Air Act or Clean Water Act.

"(4) Effective forty-eight months after the date of enactment of this Act, each person subject to subsection (a)(1) of this section shall submit to the State or the Administrator, a plan to quantify and report on the manner in which each hazardous substance subject to this provision is consumed, used, or released. Unless disapproved within nine months after the date required for submittal, such plan shall be implemented by such person.

"(5) Not later than one year after the date on which such plans have been submitted, the Administrator shall report to the Congress on waste efficiency rates by manufacturing category or process and shall esti-

mate the efficiency levels that each industry can reasonably be expected to achieve within five years and the extent to which technical assistance may be needed. The Administrator shall include in such report any legislative recommendations to expand the scope and effectiveness of the waste efficiency program.

"(6) Any manufacturer subject to the provisions of this subsection which shall have installed, prior to the time required in subsection (a)(4) of this section, continuous emission and environmental monitoring equipment capable of detecting losses to the environment through spills, leaks, discharges, dumps, releases, or emissions of substances for which toxic chemical release forms are required under section 313 of Superfund Amendments and Reauthorization Act of 1986 shall be deemed in compliance with this provision so long as such manufacturer continues in compliance with all applicable environmental permits and makes available data from such monitoring to the appropriate local, State, and Federal regulatory agencies pursuant to section 313 of the Superfund Amendments and Reauthorization Act of 1986.

"(b)(1) CONTINUOUS MONITORING.—Any person required to file an annual toxic chemical release form under section 313 of the Superfund Amendments and Reauthorization Act of 1986 who is unable to account for any substance enumerated in section 313 of the Superfund Amendments and Reauthorization Act of 1986, as product or permitted discharge or emissions or as managed wastes, shall within one year of such failure install, operate, and maintain continuous monitoring technology. Such continuous monitoring technology shall be capable of detecting and reporting all emissions or discharges in excess of those set forth in permits or, in the case of substances enumerated in section 313 of the Superfund Amendments and Reauthorization Act of 1986, substances not subject to permits, in excess of threshold limit values. Failure to comply with this requirement shall be enforceable as a knowing violation pursuant to section 4012(e) of this Act. Information gathered pursuant to this section shall be submitted with toxic release forms required by section 313 of the Superfund Amendments and Reauthorization Act of 1986 to the appropriate official designated pursuant to section 313 of the Superfund Amendments and Reauthorization Act of 1986; such records shall be made available to State or Federal enforcement agencies and to the public at reasonable times for inspection.

"(2) Any person required to file an annual toxic chemical release form under section 313 of the Superfund Amendments and Reauthorization Act of 1986 who spills, leaks, or dumps such toxic chemicals or has an emission or discharge of such toxic chemical in violation of any permit issued under the Clean Air Act, Clean Water Act, or this Act, shall as a part of any enforcement action pursuant to Federal or State law be required to install, operate, and maintain continuous monitoring technology capable of detecting and reporting any emissions or discharges in excess of those allowed by law, regulation, or in the absence of specific requirements, threshold limit values for such substances.".

SEC. 306. EPA REPORT.

(a) Section 5006 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 5006. (a) EPA BIENNIAL REPORT.—By September 30, 1990, and biennially thereafter, the Administrator shall submit to Congress a report containing a detailed description of the actions taken to implement the waste reduction and recycling goals pursuant to section 5002 of this Act. The report shall include an assessment of the effectiveness of the programs established under this Act in promoting the goals of the strategy and shall include in the report recommendations to make the program more effective.

"(b) Not later than twenty-four months after the enactment of this section, the Administrator shall submit a report to the Senate Environment and Public Works Committee and the House Energy and Commerce Committee on the EPA's program to insure the consideration of multi-media impacts in EPA policies, regulations, and guidance, with recommendations for a permanent location of an office of waste minimization and recycling.

"(c) The Administrator shall conduct a waste reduction capability study to evaluate the capability of industry to reduce waste volume and toxicity taking into account technical, environmental and economic feasibility by industry sector. The study shall include recommendations for modifying the efficiency standard. The Administrator shall submit this study to Congress no later than thirty-six months after the date of enactment of the Waste Minimization and Control Act of 1989.".

SEC. 307. NATIONAL PACKAGING INSTITUTE.

Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

"SEC. 5007. (a) IN GENERAL.—The Administrator is authorized to charter a national organization on product packaging standards and practices. The organization shall be called the National Packaging Institute. The institute shall be incorporated in the District of Columbia and shall have a board of directors of not less than eleven members which shall be representative of the interests of industries manufacturing packaging materials and industries and commercial concerns which are major users of packaging materials. The board may also include representatives of the public interest, persons with expertise in solid waste management, and elected or appointed officials of State and local governments. The Administrator shall grant (or deny) a charter on the basis of a prospectus or other proposal from a prospective board of directors.

"(b) PURPOSE OF THE INSTITUTE.—It shall be the purpose of the institute to encourage and promote the use of packaging which, with due regard for the cost and convenience of consumer products, will—

"(1) minimize the quantity of packaging material which enters the Nation's solid waste management system;

"(2) minimize the consumption of scarce natural resources;

"(3) maximize the recycling and reuse of packaging materials;

"(4) reduce litter; and

"(5) assure that human health and the environment (including impacts on wildlife from improper disposal of nondegradable packaging materials) will not be adversely affected as the result of the use or disposal of such packaging materials.

"(c) POWERS OF THE INSTITUTE AND BOARD.—

"(1) The institute shall have power to receive, purchase, hold, sell and convey real and personal property; to sue and be sued, complain and defend in courts of law and equity within the jurisdiction of the United States; to make, adopt and amend a constitution, bylaws, rules, and regulations for the conduct of its business; and to provide for the election of its officers and to define their duties: *Provided,* That such constitution, bylaws, rules, and regulations are not inconsistent with the provisions of this section or any other law of the United States or of any States thereof.

"(2) All powers necessary to govern, direct and manage the institute, including the power to—

"(A) establish packaging standards,

"(B) design and license the use of a seal or symbol,

"(C) appoint and replace members of the board, and

"(D) hire personnel, enter into contracts and otherwise conduct all business necessary and appropriate to carry out the purposes of the institute, shall be vested in the board of directors.

"(d) PACKAGING STANDARDS.—The institute shall establish national packaging standards which address the design, composition, volume, reuse, recyclability, degradability and disposal of product packages and packaging materials used in consumer products which shall further the purposes of subsection (b) of this section when implemented on a voluntary basis by entities in the packaging industry and other commerce.

"(e) USE OF THE SEAL.—

"(1) The institute is authorized to design and license the use of a seal or symbol which may be employed by any licensed user or users on packages which satisfy the standards established under subsection (d) of this section. Any person may apply to the institute for a license to use the seal or symbol on a package of a particular type and shall submit with such application all evidence necessary to demonstrate that the package type on which the seal or symbol will be used meets such standards.

"(2) The institute is authorized to charge a fee for licensing the seal or symbol and may use the revenues from such fee to offset the costs of operating the institute.

"(3) The Administrator is authorized to conduct a program of public information and education, including a program of public service advertising, to encourage consumer understanding of the impact of packaging on natural resource consumption and the Nation's solid waste management system, the purposes of the institute, and the benefits which may be achieved by implementing the packaging standards which have been established by the institute in purchasing decisions of individual consumers.

"(f) CRITERIA FOR GRANTING CHARTER.—In deciding whether to grant or extend a charter under this section, the Administrator shall take into account any information with respect to the following criteria as evidenced in the prospectus prepared and presented by the prospective board of the institute—

"(1) the ability of the board to work with the packaging industry and its commercial clients to assure implementation of the standards established under subsection (e) to the fullest extent practicable;

"(2) the expertise available to the board in solid waste management practices and the measures necessary to protect public health and the environment from any adverse effects which may result from such practices;

"(3) financial support for the programs of the board committed to the board or through its affiliate organizations to carry out the programs of the institute; and

"(4) the ability of the board to promote public understanding of the institute's purposes and application of the packaging standards established by the institute.

"(g) PUBLIC PARTICIPATION.—The board shall conduct its business in open meetings (subject to the requirements for privacy in personnel matters and review of confidential business information) and shall, to the maximum extent practicable, seek public comment and participation in the development of its programs.

"(h) RENEWAL OF CHARTER.—The initial charter of the National Packaging Institute shall extend for a period of not more than four years with an option for continuous renewal at seven-year intervals thereafter. The Administrator may establish a term of shorter duration or may grant a charter on specified conditions of performance, if it is necessary and appropriate to secure the purposes of this section.

"(i) UNLAWFUL ACT.—It shall be unlawful for any person to use the seal or symbol of the institute unless explicitly licensed to do so. Any person violating the provisions of this subsection shall be subject to civil penalty of not more than $10,000 per violation which shall be imposed by the district court of the United States for the district in which such person does business or in which a package bearing such seal or symbol is distributed in commerce.

"(j) AUTHORIZATION.—

"(1) The Administrator is authorized to make grants to the institute in an amount not to exceed $1,000,000 in any fiscal year.

"(2) There is authorized to be appropriated $2,500,000 in the fiscal year ending September 30, 1990, and $1,000,000 in each succeeding fiscal year through September 30, 1993, to carry out the purposes of section 5007(f)(3) and $1,000,000 in each fiscal year ending prior to October 1, 1993, to carry out the provisions of paragraph (1) of this subsection.".

SEC. 308. FEDERAL AGENCY ACTIONS.

Subtitle E of the Solid Waste Disposal Act is further amended by adding the following at the end thereof:

"SEC. 5008. (a)(1) WASTE REDUCTION PETITION.—Any person may petition a Federal agency to undertake a waste reduction action, and such action shall be undertaken by the agency if—

"(A) undertaking the action which is the subject of the petition would bring about at least a 10 per centum increase in recycled content of an item described in the petition or would reduce by at least 10 per centum the total volume or toxic constituents of a solid waste described in the petition;

"(B) undertaking the petitioned action would be consistent with existing law or, if not consistent with agency regulations or policy, that such regulations or policies can be modified to accommodate the petitioned act and remain in accordance with statutory requirements; and

"(C) undertaking the petitioned action would bring about a net saving in cost to the Federal Government or would be neutral in effect or cost.

For purposes of this subsection, a waste reduction action includes any action with this effect that is authorized, funded or carried out by a Federal agency.

"(2)(A) PETITION NOTIFICATION.—Within ninety days after receipt of a petition, the Federal agency shall notify the petitioner whether the petition presents substantial evidence warranting review. If the agency finds that the petition does not present such evidence, it would be required to notify the petitioner.

"(B) If the agency finds that the petition presents substantial evidence in respect to the requirements of paragraph (1) of this subsection, the agency shall notify the petitioner of the finding and conduct a review based upon the information in the petition and any other information available to the agency. No later than twelve months of the finding of substantial evidence, the agency shall deny the petition or grant the petition in whole or in part and explain the steps that will be taken to implement any parts of the petition that are granted. If the agency denies the petition, the agency shall notify the petitioner and shall explain in writing the basis for concluding that the requirements of paragraph (1) of this subsection are not met.

"(b) FEDERAL WASTE REDUCTION OFFICER.—Each Federal agency shall designate a waste reduction officer to oversee compliance with Federal agency waste reduction requirements of this Act. Each Federal agency shall provide EPA with the name, title, address, and phone number of its waste reduction officer. Waste reduction officers shall prepare agency waste reduction plans and shall report annually to EPA on implementation of the plans including estimates of any cost-savings achieved through waste reduction.".

SEC. 309. FEDERAL CONTRACTS.

The following new section is added to subtitle E of the Solid Waste Disposal Act:

"SEC. 5009. FEDERAL CONTRACTS.—Any Federal agency which contracts with any private party or other Federal agency shall, with respect to any contract for $1,000,000 or more, require such contractor to use recycled materials in performance of the contract. Such agency shall, in consultation with EPA and pursuant to EPA guidelines on recycled materials required under section 6002 of this Act, include in specifications for such contract those aspects of contract performance which can be fulfilled with recycled materials. No requirement to use recycled materials may be imposed when the contractor certifies the material is not available or not available at a cost of not more than 10 per centum more than nonrecycled materials.".

SEC. 310. HAZARDOUS CONSTITUENTS IN PRODUCTS.

The following new section is added to subtitle E of the Solid Waste Disposal Act:

"SEC. 5010. (a) INFORMATION COLLECTION ON HAZARDOUS CONSTITUENTS IN PRODUCTS.—The Administrator shall determine the extent to which hazardous substances as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act are contained in products distributed in commerce. Not later than one year after enactment of this Act, the Administrator shall publish and submit to Congress a list of no less than ten products, which identifies hazardous substances most frequently found in such products which, because of their toxicity, volume, and exposure pathways may present a risk to human health and the environment when incinerated or disposed of. The Administrator shall update this list with no less than ten new products each year, and publish and submit to Congress a revised list on an annual basis.

"(b) STANDARDS FOR DISPOSAL OF HAZARDOUS CONSTITUENTS IN PRODUCTS.—The Administrator is authorized to promulgate regulations for the disposal or incineration of products containing hazardous substances listed under subsection (a) of this section as may be necessary to protect human health and the environment from risks of disposal or incineration of such products.

"(c) Not later than six months after date of submission of the information required in subsection (a) of this section the Administrator shall determine whether to promulgate regulations under subsection (b) of this section. If the Administrator determines that regulation under subsection (b) of this section will not adequately protect human health and the environment, he shall establish a schedule not to exceed twenty-four months for review pursuant to section 6 of the Toxic Substances Control Act to regulate the products in which the hazardous substances are contained.

"(d) Effective twelve months after the date of enactment of the Waste Minimization and Control Act of 1989, the land disposal and incineration of lead-acid batteries and mercury batteries is prohibited. Effective twelve months after date of enactment of the Waste Minimization and Control Act of 1989 land disposal of unshredded tires is prohibited.

"(e) Not later than twelve months after the date of enactment of the Waste Minimization and Control Act of 1989, the Administrator shall promulgate performance standards and other requirements as may be necessary to protect the public health and the environment from hazards associated with the recycling of lead-acid batteries and recycling mercury batteries; and to ensure that used lead-acid batteries and used mercury batteries are transported for recycling. In development of such regulations, the Administrator shall conduct an analysis of the economic impact of the regulations on the lead-acid battery and mercury battery recycling industries. The Administrator shall ensure that such regulations encourage the recovery or recycling of lead-acid and mercury batteries consistent with protection of human health and the environment.

"(f) Effective on the date of enactment of the Waste Minimization and Control Act of 1989, no person may recover, under the authority of subsection (a)(3) or (a)(4) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, from a transporter of lead-acid batteries or mercury batteries for any response costs or damages resulting from a release or threatened release associated with the recycling of lead-acid batteries or mercury batteries, after the date of enactment of the Waste Minimization and Control Act of 1989, or use the authority of section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act, with respect to a lead-acid battery or mercury battery transporter other than a person described in subsection (a)(1) or (a)(2) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, in connection with which, the batteries to be recycled—

"(A) are not mixed with any other hazardous substance, and

"(B) are stored, treated, transported, or otherwise managed in compliance with regulations or standards promulgated pursuant to subsection (e) of this section.

Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law for damages, injury, or loss resulting from a release or threatened release of any hazardous substance or for removal or reme-

dial action or the costs of removal or remedial action.".

SEC. 311. FEDERAL PROCUREMENT.

(a) Section 6002(c)(1)(C) of the Solid Waste Disposal Act is amended as follows: "(C) are only available at an unreasonable price. A price is unreasonable if it exceeds by more than 10 per centum the price of alternative items. Any determination under subparagraph (B) shall be made on the basis of the guidelines of the National Institute of Standards and Technology in any case in which such material is covered by such guidelines.".

(b) Subtitle F of the Solid Waste Disposal Act is amended by adding the following at the end thereof:

"SEC. 6005. (a) SPECIFIED EPA GUIDELINES.—Within twelve months after enactment of this Act, the Administrator shall reissue the paper procurement guidelines to ensure that they are consistent with the requirement of section 6002(c)(1)(C) of this Act. The Administrator shall also promulgate final procurement guidelines requiring the use of—

"(1) recycled lead in lead-acid batteries;

"(2) used tire fragments in road cover;

"(3) compost from yard waste and sewage sludge;

"(4) recycled plastic from discarded bottles;

"(5) recycled steel from discarded cans;

"(6) recycled glass from discarded containers; and

"(7) recycled aluminum from discarded cans;

Such final guidelines shall be promulgated no later than the dates after enactment of this Act which are at the close of the following periods: (1) twelve months, (2) sixteen months, (3) twenty months, (4) twenty-four months, (5) twenty-eight months, (6) thirty-two months, (7) thirty-six months.

"(b) If EPA fails to issue a procurement guideline specified in subsection (a) of this section within the time specified, Federal agencies shall not authorize, fund, or carry out any action except in accordance with the conditions below insofar as they pertain to that guideline—

"(1) any lead-acid batteries purchased shall contain a minimum of 50 per centum recycled lead;

"(2) at least 50 per centum of road cover applications shall incorporate used tire fragments;

"(3) any paper, plastics, steel, glass or aluminum purchased shall contain a minimum of 50 per centum recycled content, unless such items are not available at a reasonable cost and of adequate quality;

"(4) compost shall be used in lieu of alternative materials for plant nutrition, cover or fill on public land and interstate highways unless not available or capable of serving the purpose intended.".

Mr. BURDICK. Mr. President, as chairman of the Environment and Public Works Committee, I wish to share my approach to reauthorization of the Resource Conservation and Recovery Act. It is well known that my committee's top priority this Congress is passage of Clean Air Act Amendments. Under the able stewardship of the subcommittee chairman, Senator BAUCUS, and the ranking minority member, Senator CHAFEE, we are on our way toward that goal. I have stated on numerous occasions that our next priority is reauthorizing the Resource Conservation and Recovery Act. Senators BAUCUS, CHAFEE and I will look for a window of opportunity in the Clean Air Act debate for solid waste hearings. As the clean air debate winds down, the solid waste debate will speed up.

By the end of 1989, or early 1990, I expect to send RCRA amendments to the floor. These amendments will address Federal facilities and waste reduction issues, as well as comprehensive solid waste matters.

We will consider municipal incinerator wastes either under the Clean Air Act or solid waste amendments. In addition, I am considering introducing pollution prevention legislation to be considered as part of the solid waste amendments.

I am proud to be a cosponsor of both the Baucus and the Chafee solid waste bills. I expect to work closely with them to bring a strong, effective bill to the Senate floor. I have worked with Senator BAUCUS in fashioning solid waste programs for rural America. My State of North Dakota and his of Montana, as well as other rural States, must be full participants in the Nation's solid waste programs if source reduction and recycling are to become part of the national ethic. Waste is a national problem. The time for sustained action has arrived. I am heartened by news from the House that solid waste hearings are being scheduled and a comprehensive bill will be drafted during the fall.

I believe that this Congress will enact solid waste amendments. Thank you.

Mr. MITCHELL. Mr. President, I am pleased to support legislation introduced today to control solid waste. Senator BAUCUS is to be commended for his leadership in this area and for coming forward with this legislation. I also applaud the leadership of Senator CHAFEE, who has worked hard on legislation of his own to address the critical issue of waste disposal.

There is much improved environment since our original passage in 1976 of the Resource Conservation and Recovery Act. Waste management methods are better, and many old uncontrolled open dumps that scarred the landscape have closed. We clearly have made progress, but we must focus more sharply on the critical issues that remain.

The basic problem is that we generate waste at an alarmingly fast rate. Americans generate about twice as much trash per person each year as do Japanese.

As a nation we toss out 30 percent more trash today than we did in 1970. We can expect this to grow another 10 percent by the year 2000 unless we shift our emphasis toward waste reduction and recycling.

To complicate this problem, we are running out of safe places to dispose of this waste. Many local landfills around the country are at their capacity or will reach capacity within a few short years. This problem is particularly acute in Maine and other Northeast States.

But rather than siting new, well-designed facilities, we dump our waste in older landfills, many of which leak. We burn our waste in incinerators, some of which pollute our air. We send our waste to other States in garbage trucks and garbage barges. And we ship our wastes to Third World countries because it costs less to dump our wastes there than it does to reduce it, recycle it, or dispose of it here.

The problem now engulfs us. We must reduce the amount of waste that we generate each year, recycle what we cannot reduce, and better manage what we cannot recycle.

The legislation that Senator BAUCUS is sponsoring provides a comprehensive framework for meeting this challenge. It will provide a means to substantially reduce the amount of waste to be disposed of.

We currently landfill over 80 percent of our solid waste, incinerate about 6 percent and recycle 11 percent. We need to move toward greater recycling and away from land disposal. With an effort from all, we can recycle more of our garbage. Almost two-thirds of our garbage is paper, glass, plastics and metals, all of which are recyclable. We can turn these wastes into new products.

The legislation helps us to move in a positive direction. It will provide technical assistance to communities on waste reduction and recycling methods. It will promote greater recycling of paper, plastics and other items in our trash. It will provide the tools for designing products and packages that are more durable, less toxic and more recyclable.

And through a symbol it will provide the means for consumers to identify such products. This issue has been of particular interest in Maine because of the need for clear labeling of plastic containers for recycling. This also helps to expand recycling markets by requiring the Federal purchase of recycled goods.

Beyond this the legislation assures there is enough safe capacity to manage all solid waste, including municipal garbage, municipal ash, medical wastes, mining and oil and gas wastes. Through mandatory State solid waste planning it will assure that there is a safe place to dispose of all waste generated in each State.

The Waste Minimization and Control Act will go a long way to address our Nation's solid waste problems. I look forward to working with Senator BAUCUS and my colleagues on this legislation.

Mr. LAUTENBERG. Mr. President, I am pleased to join Senators BAUCUS and CHAFEE in introducing the Waste Minimization and Control Act of 1989 and the Municipal Solid Waste Source Reduction and Recycling Act of 1989. These bills would amend the Resource Conservation and Recovery Act to establish comprehensive programs for dealing with our solid waste crisis.

Mr. President, we are literally choking on our own garbage. Americans generate 160 million tons of municipal solid waste a year. That's roughly 1,300 pounds for every person in the United States per year or 3.5 pounds per person per day. This includes products which used to be considered durable but are now throwaways such as 1.6 billion pens, 2 billion razors, and 16 billion disposable diapers. Per capita garbage production in the United States is twice that of other industrialized countries such as Japan. And our generation of waste is expected to grow to over 190 million tons in the year 2000.

At the same time, we are running out of landfill capacity for disposing of this waste. Nationally, 80 percent of all municipal solid waste goes to landfills. More than one-third of all landfills operating in 1979 were closed by 1986 and of this amount, EPA expects nearly half to close by 1991. As a result, communities are transporting their wastes greater distances for disposal, resulting in increased costs.

New Jersey currently sends more than half of its garbage out of State for disposal and some garbage fees now exceed $100 per ton. It will cost New Jerseyites an estimated $1 billion over the next 4 years to ship its garbage out of State. It's not surprising that according to a recent poll, two-thirds of New Jerseyites consider garbage disposal an extremely serious matter and that garbage disposal was ranked as more serious than taxes, crime, inflation, or traffic congestion.

Moreover, disposal in landfills can result in environmental problems such as ground water contamination. In fact, 21 percent of all sites on the Superfund National Priority List for cleanup are municipal landfills. The New Jersey Department of Environmental Protection recently concluded that 90 percent of closed landfills which have been monitored have been found to have significant ground water contamination.

It's clear that we are going to have to generate less waste and recycle the waste we do generate. Several successful source separation and recycling programs already have been established. Nationally, we recycle 11 percent of our municipal solid waste and New Jersey, which has adopted a mandatory recycling program already is recycling close to 20 percent of its waste. Some experts believe that we can recycle more than half of our wastes.

Recycling has other benefits besides reducing municipal solid waste. It also saves energy, conserves natural resources, and reduces air and water pollution. For example, it takes less than 5 percent of the energy used to make aluminum cans from raw bauxite than to turn used aluminum cans into new cans. And 1 ton of recycled aluminum saves 4 tons of raw materials.

Packaging presents a particularly important opportunity for reducing waste. Packaging represents one-third of all municipal waste by weight.

Plastics present another important opportunity for reducing waste. Plastic waste has increased from less than 400,000 tons a year in 1960 to 10.3 million tons a year in 1986. EPA projects that it will increase to over 18 million tons annually by the year 2000. Plastic recycling has been slow to develop because of the different types of plastics used in products. Plastics pose a particular problem in the marine environment where they can adversely affect marine mammals, waterfowl, or fish causing death or injury when these resources become entangled or ingest debris.

Medical waste is another category of waste we need to be concerned about. Medical waste has washed ashore along the east coast from North Carolina to Massachusetts and on Great Lakes beaches in Michigan and Ohio. Numerous beaches have been closed. Thousands of pieces of medical waste, together with tons of other debris, washed ashore last year.

When medical wastes are disposed improperly, beaches are closed, vacations are ruined and our coastal tourist economy is injured. Medical waste on the shore is repulsive.

And our health is threatened. While there is virtually no chance of being infected by the AIDS virus because of the virus' poor ability to exist outside the human body, there is a danger of infection from these wastes including infection by hepatitis B.

Last year, the Congress passed the Medical Waste Tracking Act which Senators BRADLEY, MOYNIHAN, and others joined me in introducing. This bill established a regional medical waste tracking demonstration program to begin to address the problem of the illegal disposal of medical waste.

We also need to be concerned about incineration. Thirty-nine States have incineration facilities for municipal sold waste either on line or planned. In 1986, 6 percent of municipal solid waste was incinerated and this figure is expected to rise sharply. While the use of incineration is a State and local decision, the Federal Government has a role to ensure that air emissions and ash disposal do not pose threats to public health and the environment.

In a new incinerator in Warren County, NJ, 30 percent of the ash are estimated to exceed existing Federal standards for two toxic metals, lead, and cadmium. This ash must be shipped to hazardous waste landfills charging nearly four times the cost of landfills for nontoxic waste.

Finally, we need to be concerned about recent efforts to dispose of hazardous and nonhazardous wastes in Third World countries. This disposal can threaten public health and environmental quality in these nations. Moreover, unregulated transport of this waste poses the risk of illegal ocean disposal. EPA currently is considering prosecuting one vessel owner for the alleged illegal ocean dumping of incinerator ash.

Last year, the Congress passed the Shore Protection Act which I introduced to require EPA and the Coast Guard to regulate the transport of garbage barges. And I joined Senator KASTEN in introducing legislation to strictly regulate the transportation of waste to foreign nations.

Mr. President, the Waste Minimization and Control Act of 1989 and the Municipal Solid Waste Source Reduction and Recycling Act of 1989 contain numerous important provisions for addressing these solid waste issues. The Waste Minimization and Control Act has the following principal components:

1. It sets Federal minimum standards and State permit requirements for all solid waste. EPA would have to adopt tough standards for municipal waste landfills, air emissions, and resulting ash disposal from municipal incinerators, and medical waste storage, containment, treatment, disposal, and transportation including tracking;

2. It requires States to develop solid waste management plans that identify waste generation, recycling, capacity and siting needs;

3. It strictly regulates the export of solid waste to deal with the problem of the United States and other industrialized countries disposing of their wastes in Third World countries which don't have the ability to properly manage the waste; and

4. It establishes a number of programs for hazardous and nonhazardous waste reduction and recycling. These include setting municipal solid waste recycling goals, expanding existing provisions requiring the Federal procurement of recycled materials, establishing a National Institute of Packaging to identify products which minimize the quantity of packaging materials entering the solid waste system and requiring EPA to identify and regulate products that contain hazardous substances which may present a risk when incinerated or disposed. This latter requirement is similar to an amendment I offered to the incinerator provisions in the 1987 Clean Air Act Amendments which would have required EPA to publish

guidelines that identify materials which should be removed from municipal waste before incineration to reduce air emissions of dangerous pollutants.

The Municipal Solid Waste Source Reduction and Recycling Act builds on the Waste Minimization and Control Act by expanding municipal solid waste source reduction and recycling activities.

The bill would expand recycling by: requiring labeling of plastics to aid in sorting and recycling plastics, requiring States to develop plans to achieve the goal of 25 percent recycling in 5 years and 50 percent recycling in 10 years, expanding Government procurement of recycled products by requiring Government contracts over $1 million to use recycled goods where possible and giving EPA authority to delay incinerator construction if the State has not taken steps to promote recycling.

The bill addresses toxicity of solid waste by banning the use of the toxic metal cadmium as a pigment, requiring recycling of car batteries which contain harmful quantities of lead, and authorizing EPA to establish product and packaging standards to reduce the amount and toxicity in products and packages.

I do, however, want to register one significant concern about the Waste Minimization and Control Act. This involves the provisions dealing with hazardous waste reduction. The bill establishes an efficiency standard which prohibits business from releasing into the environment more than 5 percent of the chemicals which are used in production.

I have introduced the Pollution Prevention Act of 1989 with 28 cosponsers to establish a multimedia source reduction program. Almost all of our environmental efforts to date have involved regulating pollutants after they are generated. The Pollution Prevention Act is designed to foster efforts to eliminate or reduce pollution before it is generated.

According to EPA data collected in 1987 under the Right-To-Know Program, U.S. industry emitted 9.7 billion pounds of chemicals in waterways, 2.7 billion pounds into the air, and 2.4 bilion pounds into landfills and 2.6 billion pounds were sent offsite for treatment and disposal. Roughly 23 billion pounds of toxic chemicals were emitted into the environment.

The safest say to protect the American people and our environment from these toxic chemicals is to eliminate or reduce these chemicals before they are generated. EPA estimates that we have the ability to reduce the generation of hazardous wastes and other pollutants by up to 30 percent while the Office of Technology Assessment suggests that a 10-percent reduction for each of the next 5 years is achievable.

The Pollution Prevention Act follows recommendations made by the Office of Technology Assessment which concluded that a nonregulatory program was the best way to encourage multimedia source reduction actions. The bill builds on the Right-To-Know Program by requiring businesses to report on the rate at which they reduce the generation of toxic chemicals. It also authorizes grants to States to help them start source reduction programs and provide technical assistance to small- and medium-size businesses, establishes a national clearinghouse for information on source reduction practices and requires EPA to establish a comprehensive pollution prevention effort.

The problems with the approach in the Waste Minimization and Control Act are threefold. First, source reduction efforts must be designed to prevent pollution into all media- air, water, and land. The Pollution Prevention Act recognizes this by being a free-standing bill. The Waste Minimization and Control Act amends RCRA which is a land disposal statute and is not an appropriate vehicle for a multimedia pollution prevention program.

Second, many have raised significant concerns that it is not technically feasible to have one efficiency standard for every production progress in the United States. In addition, reports by OTA conclude that a nonregulatory program, as is provided in the Pollution Prevention Act, is the best approach for dealing with source reduction.

Finally, the Waste Minimization and Control Act does not have the data collection provisions of the Pollution Prevention Act. The most successful pollution prevention program that we now have is the data reporting requirements under the section 313 program. As a result of this program, many companies have begun to review their operations to see how they can reduce the generation of their waste. The data collection provisions in the Pollution Prevention Act expand on the 313 reporting to require additional information on source reduction activities.

Therefore, I will continue to advocate passage of the Pollution Prevention Act separate from the Waste Minimization and Control Act.

But on balance, both of these bills provide strong programs to address our solid waste crisis. I urge my colleagues to join in support of these bills.

Mr. LIEBERMAN. Mr. President, I am proud to cosponsor with my colleagues, Senators BAUCUS, CHAFEE, and DURENBERGER, the Waste Minimization and Reduction Act of 1989 and the Municipal Solid Waste Source Reduction and Recycling Act of 1989.

These bills present a comprehensive approach to the solid waste crisis facing this Nation. They recognize that burning or burying garbage can no longer be the primary solutions to our problem, and that waste reduction and recycling are preferred options for dealing with solid waste.

These bills also recognize that the crisis we face can only be solved by harnessing the creative energy and talent of governments (State, local, and Federal), industry, and every American citizen. It will mean changes in the way we do business and the way we live, but I believe the American people are prepared to make these changes.

A recent article in Scientific American contains some startling figures on the dimensions of the solid waste crisis facing this country. Every 5 years, the average American discards an amount of waste equal in volume to the Statue of Liberty. The municipal solid waste produced in this country in just 1 day fills about 63,000 garbage trucks, which would stretch the distance from San Francisco to Los Angeles.

The solid waste crisis is clear in my State of Connecticut. Within the next year, most of the State's solid waste landfills will run out of capacity.

Waste reduction and recycling must become part of our everyday lives. Industries will need to develop new approaches to designing products. Each American citizen should aim at selecting products which contain a minimum amount of waste product. We must all participate in waste recycling programs, and it is Government's obligation to develop programs to mandate reduction and recycling.

An emphasis on waste reduction is particularly important. Industries throughout the Nation have used waste reduction methods successfully. For example, steel can manufacturers in recent years have reduced the weight of cans so that more units per pound of steel are being produced. A recent study by the engineering firm of G. Kellmen shows that, if consumers purchase packaged products in larger container sizes, the amount of packaging entering the waste stream will be reduced. The Procter & Gamble Co., a major producer of consumer products, is reducing material usage through the redesign of their products and packaging. Consumers can now purchase small packets of concentrated products and dilute them at home using larger existing containers.

I am proud that this legislation follows the legislation already in place in Connecticut requiring recycling and source reduction as first-line approaches to the solid waste crisis. These bills establish a national goal of 25 percent recycling within 4 years, 50 percent within 10 years, and a 10-percent source reduction within 4 years. The EPA Administrator is given the

authority to delay the building of incineration capacity if a State is not taking steps to promote recycling and waste reduction.

Another important part of this legislation is that the Federal Government will be required to give preference to purchase of recycled goods. Products with recycled material will have a price preference of 10 percent over a similar product made with virgin material; similar requirements will apply to Federal contracts over $1 million. The bills also recognize that recycling will be encouraged if there is a market demand for the products. The Commerce Department, therefore, is required to promote exports of recycled material. Finally, all Federal agencies will be required to implement waste reduction activities.

As we focus on alternative approaches to waste disposal, our decisions must guarantee that the practices we adopt protect the public against adverse health effects. This legislation contains significant protections for the health of our citizens by establishing air emission standards for municipal waste incineration facilities. It also requires EPA to promulgate tough technical requirements for municipal waste combustion ash, municipal waste facilities, industrial and solid wastes handled in surface impoundments and medical wastes.

Finally, this legislation contains restrictions on the export of hazardous waste to developing countries. People around the world should not be forced to drink polluted water or breathe dirty air because of waste sent to them by America. In many cases, Americans seek to avoid the costs of proper disposal required by our regulations by sending the waste abroad. This legislation would halt those practices.

Two recent examples highlight the dangers of exporting wastes to developing countries. In June 1988, two Italian businessmen used forged documents to export thousands of tons of hazardous waste to a tiny port in Nigeria. The waste included polychlorinated biphenyls, a potential carcinogen, as well as radioactive elements. In the United States, proper disposal of this material must be, at a minimum, in very secure landfills. But in the tiny port in Nigeria, the waste was stored in the backyard of a local worker who was not informed of the contents. The hazardous contents soon leaked into the environment and local residents complained of illnesses. In another recent case, shipments of drums arrived in Bangkok from Singapore. The barrels, which were mislabeled, included numerous hazardous substances and originated in a variety of countries, including the United States. For 10 years, hundreds of these rotting, decomposing barrels with hazardous substances simply remained at the port.

In short, these bills address critical issues facing this Nation and the world. They require cooperation among government, industry and all Americans as we turn our attention to recycling, waste reduction and dealing with our waste products at home rather than abroad.

Mr. DURENBERGER. Mr. President, I am pleased to join with Senator BAUCUS and others to introduce the Waste Minimization and Control Act of 1989.

I have a few comments on the bill and then a word of caution from a few years of experience, and then the outline of a five-point program I feel would substantially strengthen our national policy.

Mr. President, there is a solid waste disposal crisis in this country today. It is a capacity crisis. There is not enough treatment and disposal capacity to safely handle the garbage generated by the American public.

To be sure, it is not a crisis in every town and county. But a significant number of our local jurisdictions are overwhelmed by the trash problem. And more and more towns and cities experience the crisis every year.

The crisis can be measured in many ways. It can be measured by tipping fees at the gate of the landfill exceeding $100 per ton—when a few years ago the national average was more like $10 per ton.

It can be measured by the hundreds of miles that some garbage is now shipped to find an open dump. Trash is regularly hauled by semitrailer from east coast communities to Ohio and other sites in the Midwest for disposal.

It can be measured by the very large portion of municipal and county budgets which is now spent on garbage disposal. For some communities that item now exceeds the cost of police and fire protection. And, according to press reports, cities and counties across the country have committed $17 billion in response to this crisis for new garbage incinerators which greatly reduce the volume of waste which must be landfilled.

This is a crisis of confidence. The American public does not trust the current technologies for handling and disposing of trash. As old landfills reach the limits of their capacity—and EPA says that one-third of all landfills will be at their limit within the next 2 to 3 years—new facilities are not being opened. People won't allow it. There has been so much environmental damage caused by the existing units, that people all across this country will make every effort to keep new facilities out of their communities. So, as the old landfills reach capacity and close—or are closed early because of environmental insult—we have a growing capacity crisis.

This crisis may also be due in part to growing volumes of garbage. In 1960 each American generated about 2.65 pounds of garbage everyday. Today the average is 3.58 pounds per person. That's a whole pound more than the average West German would generate. In the United States that adds up to 160 million tons per year and the total is projected to rise to 193 million tons by the year 2000, if we continue on our present course.

There is an emerging consensus on the way the Nation ought to respond to this crisis. It is reflected in the bill that Senator BAUCUS is introducing today. It says that we need to tackle the volume problem directly. The policy is built on a hierarchy of waste management options.

The first and most favored option is waste reduction—don't generate the waste in the first place.

The second option is recycling—reuse materials whenever possible.

The third option is treatment and materials recovery—in the case of solid waste that means incineration in a plant that produces electricity from the heat generated.

And the final and least favored option is land disposal in a secure facility.

The Waste Minimization and Control Act sets national goals for recycling and waste reduction: 25 percent recycling in 4 years; 50 percent recycling in 10 years. And 10 percent waste reduction over the same period. It requires States to prepare waste management plans which will achieve these goals. It provides grants to support waste reduction and recycling efforts. And it includes new Federal procurement policies that will help build a market for recycled materials.

The policies reflected in the Waste Minimization and Control Act fit well with steps being taken by other governmental sectors. EPA has announced its support for a national goal of 25 percent recycling and has been moving on procurement guidelines for recycled materials. Many States are also actively responding to the crisis with the most encouraging development being separation of waste streams in the home with curbside pickup of the recyclable materials.

As I say, this bill fits well with the thinking that is going on all across the country. It's right in the mainstream and I commend Senator BAUCUS for his ability to pull these various themes into one coherent piece of legislation. I support this bill.

But I also wanted to raise a note of caution here today. The strategy of focusing on waste reduction and recycling should be attempted. It does address the volume crisis directly. But as a strategy it has some potential weaknesses.

It requires new social arrangements yet untested. Recycling is a complex social activity. It requires a sustained

commitment from Government. The economic value of recycled materials has regular ups and downs. Quite often the markets for recycled materials will be flat—as they are today for paper—and Government subsidies will be necessary. This bill includes grants to support State and local recycling programs, but Congress has a poor history of sustaining commitments to these kind of endeavors.

Recycling will offer only a temporary offset against the growing volumes of waste. Waste reduction is essential, but in the solid waste arena it is unclear yet how the Government will foster that option.

And finally, waste reduction and recycling have little impact on the root causes of the crisis—the public distrust of garbage disposal facilities. Taking newspapers, aluminum cans, glass, and ferrous metals out of the waste stream may quench the capacity crisis for a short period of time, but it will not make new landfills safer or easier to site.

Considering those potential weaknesses, I have come to the conclusion that we need to look more closely at the bottom of the hierarchy—at the landfills and garbage incinerators and at the environmental and public health problems that are the root cause of the crisis.

Today, I would outline for my colleagues a five-point program along those lines which I hope to put into legislative language for their consideration in the coming weeks.

First, is tough standards for landfills and incinerators. The bill that Senator BAUCUS has introduced does include much stronger requirements for these facilities. Generally, I am in agreement with the requirements that apply to incinerators that are contained in this bill. They are similar to those found in S. 196 which Senator BURDICK introduced earlier this year.

But I think the landfill requirements in this bill could be strengthened. For instance, it seems to me that we need to be more explicit on the liner requirements. The Waste Minimization and Control Act requires a liner only for new facilities and only for the life of the unit. That should be strengthened. Location should not be a substitute for liners.

Methane—considering its impact on the atmosphere where it is a greenhouse gas 40 times more potent than carbon dioxide—ought to be collected and burned for energy production at every facility. And the siting requirements for new landfills need to be strengthened, as well.

Second, we need to take the strongest possible action to get toxic materials out of the waste stream. Part of this effort will focus on the manufacture of products that are distributed in commerce. The bill that Senator CHAFEE introduces today has a strong provision in that regard which is similar to a portion of Senator BURDICK's municipal waste combustion bill. It authorizes the administrator to control the composition and distribution of products that are threat to public health or the environment as the result of disposal.

Another aspect of this effort must be household hazardous waste collection programs. We're not going to ban paints and pesticides and cleaning fluids because of the threat they present when disposed. We may eliminate unnecessary risks, like lead in newsprint inks and cadmium used as a pigment, but product composition controls cannot be the whole solution to the household hazardous waste problem.

So we need to provide the public with some means of disposal of the hazardous items other than the weekly trash pickup. It needs to be an aggressive effort. It should include small quantity commercial generators of hazardous waste, as well. And it can also include rural America where the problem of unused pesticides, empty pesticide containers and other farm chemicals is serious.

The third component in this five-part plan is a waste reduction and recycling component. I believe that tough standards for landfills and incinerators will provide the appropriate economic foundation for a sustained recycling program. When the tipping fee is $100 per ton, the waste hauler has all the economic incentive necessary to collect the recyclables at the curb in a separate trip. We don't need grants from the Federal Government—grants that will be hard to sustain—if the alternative to recycling—that is, taking everything to the dump—is just too expensive.

But there are some Government measures that are needed in this third component. We may need Government standards for some recycled materials—compost comes to mind. We may need standards for recycling facilities. We will certainly need a stronger Federal role in purchasing recycled materials. And I believe that standards for packaging coupled with Government educational programs for consumers can play an effective role in reducing the volume of waste generated.

Mr. President, I am pleased that Senator BAUCUS has included in his bill the authorization for a National Packaging Institute. This is an idea which grew out of our experience in Minnesota with the packaging problem.

Packaging is one of the most rapidly expanding portions of the solid waste stream. Minnesota recognized that problem and attempted to set up a government program that would establish packaging standards to control volume and for recycling. It didn't work. There is too much happening in the marketplace too fast for the Government to control it in any effective way.

The Packaging Institute is a voluntary alternative. It relies on consumer education, rather than government mandates to deal with the problem. The Packaging Institute would be a body in the private sector chartered by EPA. The institute would set packaging standards that would address volume, toxicity, recyclability and other concerns. The institute would also create a symbol to identify good packages. Any manufacturer believing that its package would meet the standards could apply to use the symbol on the package. They would pay a fee to the institute to defray the costs of review and testing.

The Government role is to oversee the activities of the institute and to educate the consumer to look for the symbol and to understand the value of purchasing products marked with the symbol. Public service advertising would be used to accomplish the consumer education.

Mr. President, I am convinced of two things in this area. One, packaging is a serious and growing part of the solid waste problem. And two, the Government cannot hope to regulate the design and content of every package introduced into the marketplace. Mandatory standards established by government boards and agencies will not work and should not be attempted. We need a creative, market-based alternative to tackle this problem.

The fourth part of this program is new facilities. Tough standards for landfills and incinerators will not be environmentally beneficial, if we do not build the facilities incorporating these innovations. We need to close the old units that are doing all the damage and open new units that meet our new standards.

The bill that Senator BAUCUS is introducing today addresses this problem directly. It requires States to plan for needed treatment and disposal capacity and to establish siting programs to make sure that these necessary facilities are built. If States fail to solve their capacity problems, the bill proposes a loss of Federal funds as a sanction. First, grants for sewer construction and Superfund cleanup would be cut modestly requiring States to make a larger matching contribution. If that is not persuasive, grants for these two programs would be cut altogether.

Senator BAUCUS is to be commended for recognizing this problem and for proposing a straightforward solution to it. But I am concerned that the proposed solution may not be effective. We are already phasing out the construction grants program. And I have always wondered whether denying support for Superfund cleanups or water treatment was an appropriate

sanction. It seems to punish the wrong people in the wrong way. We have, of course, already made this sanction available in an effort to force planning for hazardous waste disposal capacity under the Superfund program. But I still have my doubts about the wisdom of the policy.

I come from a State that has some experience in this area. In about 1980, Minnesota created a State planning process that was to find locations for new hazardous and solid waste disposal facilities. They conducted a thorough search that involved careful science and full public participation and after many years were still unable to successfully solve the capacity problems of our State. It wasn't for a lack of trying. And I doubt that the Superfund sanction would have made any difference at all in the outcome. I think we need to consider more creative approaches.

I would propose a new mechanism to encourage the transition from old environmentally threatening facilities to new treatment and disposal units. It is to be based on an escalating tipping fee at the older units. Under this proposal, each year EPA will calculate the cost of disposing waste in a landfill or incinerator meeting the tough new standards established by the Federal Government. This would not be the speculative cost reflecting the capacity crisis, but the debt service and operating costs of a typical unit meeting the new standards.

EPA would then impose a fee on waste that is sent to old units—units that don't meet the standards—reflecting the costs that would be incurred by making the transition. The fee may initially be some portion of the full cost—say 35 percent—but it would escalate over time becoming a powerful incentive to communities to make the transition. After several years, the fee might even be set at a level well in excess of the cost of operating a new unit—say 150 percent of that cost.

The purpose of the fee is to create a gradually increasing economic incentive for communities to get out of old units. It is in lieu of requiring these older units to retrofit for the new standards by a specific date. For instance, S. 196, the municipal waste combustion bill introduced by Senator BURDICK, requires existing incinerators to install scrubbers within 6 years. The proposal I am suggesting today would not force the retrofit at a specific time, but would impose a fee on waste sent to the unit equivalent to—or perhaps even exceeding—the costs that would be seen at a unit that had a scrubber.

The fee would be paid to the Federal Government. I believe that we could use the revenues to encourage communities to accept these facilities. These revenues could be put in a trust fund available for grants or loans to local units of government that accepted new landfills or municipal incinerators in their communities. The communities could use these grants for their other infrastructure needs.

I would propose that any community which permits a new solid waste unit should be eligible for a general infrastructure grant from this trust fund equal to 20 percent of the capital cost of the waste disposal unit being built. The grant could be used for any infrastructure need of the community. And the grants would be made on a first-come, first-served basis.

Mr. President, I suggest this combination of fees and grants as an alternative means of encouraging the transition from old to new solid waste management units in the hope that we can form a partnership rather than a confrontation with State and local government on the capacity question. I am sure other members have considered this problem, and I know the committee will want to hear a wide range of proposals in this area as this bill moves through the legislative process.

The fifth and final point in this program is cleanup of releases from existing facilities. We have not yet settled on an appropriate national policy for cleaning up leaks from municipal dumps. And I don't think the legislation introduced today answers all of the important questions.

The Waste Minimization and Control Act contains corrective action provisions. It contemplates orders for corrective action in the permitting process and authorizes EPA to establish corrective action requirements as a part of the landfill rules it is to issue. But there is no corrective action policy in this bill. When must corrective action be taken? How clean is clean? What is the point of compliance? Who is going to pay?

The current subtitle D of RCRA gives EPA no guidance on these questions. The Superfund Program is struggling with these issues and a substantial number of Superfund sites are old municipal landfills. But nobody is happy with the Superfund process. The cities are complaining of possible bankruptcy. The responsible parties are complaining that EPA is not pursuing the cities with sufficient diligence. And EPA is proposing to defer landfill cleanups to subtitle D, which as I have said contains no policy and perhaps no authority to address these issues.

I am sure that we will have to deal with these questions in the context of a RCRA bill that comprehensively addresses solid waste disposal policy.

Last year, I introduced a comprehensive ground water protection bill which contained a new corrective action policy—a policy different from Superfund. I will ask the committee to look at that policy as a part of this RCRA reauthorization. I think we can refer municipal landfill cleanups to subtitle D, but only if it is amended to include a comprehensive and coherent corrective action policy. And that includes liability for those parties who used these landfills to dispose of their industrial wastes.

Mr. President, I would again commend Senator BAUCUS and Senator CHAFEE for the start which they have made on this subject. I would also note that Senator BURDICK has indicated that this legislation is a high priority for the Environment and Public Works Committee for this Congress. These are pressing issues which need our attention. I look forward to working with members of the committee and the Senate in shaping these bills.

Thank you, Mr. President.

By Mr. EXON:

S. 1114. A bill to amend title 11, United States Code, the Bankruptcy Code, to provide that a stay not apply to State property taxes; to the Committee on the Judiciary.

AMENDING THE BANKRUPTCY CODE REGARDING STATE PROPERTY TAXES

Mr. EXON. Mr. President, I rise today to introduce legislation to assure that local governments will retain their property tax base regardless of the filing of bankruptcy petitions, by its property owners. This issue is of vital importance to many of our local governments who may find their collection of property taxes to be stayed by a bankruptcy court.

Local government entities in Nebraska rely substantially on ad valorem property taxes. Such property taxes are assessed, levied, and collected on an annual basis. Under our bankruptcy laws, property taxes are given a high priority and are likely to be paid by the bankrupt.

A problem has, however, recently arisen in Nebraska with respect to the collection of property taxes imposed upon property that is the subject of a bankruptcy filing.

Until last year, Nebraska's local governments had assumed that their process of collecting property taxes was relatively unaffected by our bankruptcy laws. It was thought that the annual process of levying and assessing property taxes could continue against property even though that property was subject to a bankruptcy petition. A new court ruling has changed that assumption.

According to the Nebraska Bankruptcy Court, the stay against debt collection attempts that a bankruptcy petition imposes is effective against governmental units as well as against private creditors. Taxes that have already been assessed are allowed to become priority liens. But, any attempt to levy and assess future property taxes is stayed and the govern-

mental unit must receive the permission of the court to take any action to impose them.

This ruling, in effect, takes property off the tax base of local government units for as long as a bankruptcy is pending. As it is not uncommon for a bankruptcy petition to take several years to be settled, this is an issue of great concern to local governments. In my view, our bankruptcy laws were not intended to have this effect and should not restrain the annual collection of ad valorem property taxes.

The legislation I have introduced today is simple. It removes the process of collecting ad valorem taxes from the stay that is imposed by the filing of a bankruptcy. This bill will allow local governmental units to continue the process of levying and assessing property taxes without fear of violating the provisions of our bankruptcy law.

The effects of this ruling in Nebraska could have a far-reaching impact upon the collection of ad valorem property taxes.

Other States may well find themselves in this same situation as news of this development spreads to other courts. The Senate should take action as quickly as possible to assure that a bankruptcy petition will not operate to remove property from ad valorem, property taxation. I urge my colleagues to join me in this important effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 362(b) of title 11, United States Code, is amended by—

(1) striking out "or" at the end of paragraph (12);

(2) striking out the period at the end of paragraph (13) and inserting in lieu thereof ", or"; and

(3) adding between paragraph (13) and the matter following such paragraph the following:

"(14) under subsection (a) of this section, of the valuation, assessment, levy, or perfection of any lien under State law for any ad valorem property tax imposed by any political subdivision.".

By Mr. EXON (for himself, Mr. STEVENS, Mr. LEAHY, Mr. GLENN, Mr. HEFLIN, Mr. GRASSLEY, Mr. CONRAD, Mr. DIXON, Mr. THURMOND, Mr. BAUCUS, Mr. DURENBERGER, Mr. BUMPERS, Mr. LUGAR, Mr. COCHRAN, Mr. KERREY, Mr. BURDICK, Mr. SHELBY, Mr. SANFORD, Mr. PRYOR, Mr. BENTSEN, Mr. GORE, Mr. BOREN, Mr. MURKOWSKI, Mr. SIMON, and Mr. DASCHLE):

S. 1115. A bill to amend the Rural Electrification Act of 1936 to permit the prepayment and refinancing of Federal Financing Bank loans made to rural electrification and telephone systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL ELECTRIC REFINANCING ACT

Mr. EXON. Mr. President, I rise to reintroduce legislation which will allow rural electric and telephone borrowers to prepay and refinance their long-term high interest loans held by the Federal Financing Bank with private capital at 100 cents on the dollar or to refinance their loans through the Federal Financing Bank with a refinance fee. I am pleased to have 24 Senators as original cosponsors to this needed legislation.

The Rural Electric Administration was established in 1936 to bring power to rural America. Today there are more than 1,000 rural electric systems located in 46 States with 10.5 million customers.

The delivery of electricity to rural areas has been a difficult task. Rural electric systems serve over 25 million citizens but average only 5 customers per mile of line.

Rural electric systems have not only brought electric power and telephone service to rural areas, they have brought economic power to rural areas. Electric power and phone service have been key elements in the economic development to rural America. Our Nation can be proud that the Rural Electric Administration loans have allowed small communities to enjoy electric and telephone services comparable with similar services available in large urban areas.

As you know, Mr. President, rural America faces continuing economic stress. Economic development must be brought to America's small towns and the economic health and resources of the rural electric system are a key to that needed economic growth.

The Congress must act to assure that electricity costs in rural America remain stable and competitive.

Rural electric and telephone systems operate on loans from the Federal Financing Bank. Over $5 billion of those loans are locked into high long-term interest rates, some as high as 15 percent. The U.S. Congress has repeatedly expressed its support for a policy which would allow these facilities to prepay and refinance their high interest loans. Over $2.5 billion of refinancing have already been approved by the Congress over the last several years.

Not only does REA loan refinancing make sense in terms of rural development policy, it has a positive effect on the Federal budget. Loan prepayments bring a dollar-for-dollar outlay reduction and refinancing fees would bring needed funds to the Treasury. In addition, by lowering the debt burden on REA generation and transmission facilities, the Federal Government lowers the risk of possible future nonpayment of loans.

Unlike loan asset sales, the Federal Government receives 100 cents on the dollar on every prepaid loan. This legislation would be fully consistent with the 1990 Congressional Leadership/Presidential Budget Agreement.

Mr. President, the Congress has repeatedly endorsed the policy of the Rural Electric Refinancing Act. The benefits of low interest rates should be passed along to rural America.

The Reagan administration rushed to provide refinancing for foreign military sales contracts, the kinder and gentler Bush administration should rush to extend the refinancing benefits to America's rural citizens. I urge my colleagues to study and support this legislation. It is indeed rare that the Congress has an opportunity to assist rural America and reduce the budget deficit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1115

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREPAYMENT AND REFINANCING OF FEDERAL FINANCING BANK LOANS MADE TO RURAL ELECTRIFICATION AND TELEPHONE SYSTEMS.

Section 306A of the Rural Electrification Act of 1936 (7 U.S.C. 936A) is amended to read as follows:

"SEC. 306A. PREPAYMENT AND REFINANCING OF FEDERAL FINANCING BANK LOANS.

"(a) PREPAYMENT.—If on the date of enactment of this section a borrower has an outstanding loan made by the Federal Financing Bank and guaranteed by the Administrator of the Rural Electrification Administration under section 306, the borrower may prepay such loans or loan advances, or any portion thereof, at any time or times without limitation as to dollar amount by paying the outstanding principal balance due on such loans or loan advances, or any portion thereof, being prepaid, if—

"(1) private capital, with the existing loan guarantee, is used to replace the loan, or, at the option of the borrower, private capital (including internally generated funds), is used to prepay the loan; and

"(2) the borrower certifies that any savings from such prepayment will be—

"(A) passed on to its customers;

"(B) in a case of financial hardship, used to improve the financial strength of the borrower; or

"(C) used to mitigate future rate increases.

"(b) REFINANCING.—

"(1) IN GENERAL.—If on the date of enactment of this section a borrower has an outstanding loan made by the Federal Financing Bank and guaranteed by the Administrator of the Rural Electrification Administration under section 306, the borrower—

"(A) may, on providing notice to the Federal Financing Bank, refinance any out-

standing long-term Federal Financing Bank loans or loan advances, or portion thereof; and

"(B) shall obtain a change in the interest rate on the Federal Financing Bank loans or loan advances, or portion thereof, from its present level to the Federal Financing Bank rate then in effect for new Federal Financing Bank loans of a maturity equal to the remaining life of the Federal Financing Bank loans or loan advances, or portion thereof, being refinanced.

"(2) FEE.—Such Federal Financing Bank rate shall include a fee of .00126, consistent with the calculation of Federal Financing Bank rates to borrowers under this Act during fiscal year 1989.

"(c) LIEN ACCOMMODATION.—If prepayment is made under subsection (a) and the funds for such prepayment are secured from a private lender, the Administrator of the Rural Electrification Administration shall grant an equal and pro rata lien, on the total of the borrower's assets subject to a lien under this Act, to such lender in an amount not to exceed the amount of principal prepaid, and a reasonable processing fee paid to the lender.

"(d) SUBSEQUENT REFINANCING.—Any guarantee of a loan used to make a prepayment under subsection (a) may be transferred to any loan subsequently used to refinance such loan without condition and shall be available for the remaining term originally agreed to by the Administrator.

"(e) PENALTY.—

"(1) IN GENERAL.—A penalty, as provided by this subsection, shall be paid to the Federal Financing Bank by the borrower at the time of prepayment or refinancing.

"(2) REFINANCING.—If a loan or loan advance, or any portion thereof, is refinanced as provided by subsection (b), the borrower shall pay a one time penalty determined by multiplying—

"(A) the principal balance of each Federal Financing Bank loan or loan advance, or portion thereof, refinanced; by

"(B) one-half the difference between the annual percent interest rate on such refinancings and the annual percent interest rate at the time of refinancing of new Treasury borrowings of the same maturity as the average maturity on the Federal Financing Bank loans or loan advances, or portion thereof, being refinanced.

"(3) PREPAYMENT.—If a loan or loan advance, or any portion thereof, is prepaid as provided by subsection (a), no penalty fees shall be charged to the borrower.

"(f) NO ADDITIONAL CHARGES.—If prepayment or refinancing of a loan (or advance) is made under this section no sums in addition to the payment of the outstanding principal of the loan or loan advance, or portion thereof, being prepaid, plus accrued interest and the penalty assessed under subsection (e), shall be charged, as the result of such prepayment or refinancing, against—

"(1) the borrower,

"(2) the Rural Electrification and Telephone Revolving Fund, or

"(3) the Rural Electrification Administration.".

SEC. 2. REGULATIONS.

(a) IN GENERAL.—Not later than the effective date prescribed in section 3, the Secretary of Agriculture shall issue regulations to carry out the amendment made in section 1.

(b) PREPAYMENT AND REFINANCING FACILITATION.—In issuing such regulations, the Secretary shall—

(1) facilitate prepayment and refinancing of loan advances;

(2) provide for full processing of each prepayment request within 30 days of its submission to the Rural Electrification Administration;

(3) provide for full processing of each refinancing request within 10 days of its submission to the Rural Electrification Administration; and

(4) except as provided in section 306A of the Rural Electrification Act of 1936, impose no restriction that increases the cost to borrowers of obtaining private financing for prepayment or inhibits the ability of the borrower to enter into prepayment and refinancing arrangements pursuant to such section.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall become effective 30 days after the date of enactment of this Act.

By Mr. LAUTENBERG:

S.J. Res. 147. Joint resolution to designate the week beginning June 11, 1989, as "National Scleroderma Awareness Week"; to the Committee on the Judiciary.

NATIONAL SCLERODERMA AWARENESS WEEK

● Mr. LAUTENBERG. Mr. President, I rise to introduce a joint resolution designating the second week in June as "National Scleroderma Awareness Week."

Three hundred thousand Americans are affected by scleroderma, a chronic disease of unknown origin that has no cure. It causes thickening and hardening of the skin. In its most severe form, the hardening process spreads to the joints, causing decreased mobility and to the body organs causing functional impairment.

Scleroderma usually strikes healthy individuals at any time between the ages of 25 and 55 years old, but it occurs in woman two to three times more frequently than men. Early diagnosis allows therapeutic treatment that may slow the progression of the disease.

But even with treatment, the prognosis for scleroderma patients varies widely; some experience a remission or have minor symptoms that do not interfere significantly with a normal lifestyle. But for others, who may develop kidney malfunction, respiratory weakness, heart spasms, digestive and intestinal problems, or respiratory weakness, the disease can be fatal.

Activities and events organized around a nationally designated week will heighten public knowledge of scleroderma and facilitate financial support of much needed research and patient support groups. I urge my colleagues to cosponsor this joint resolution. I ask unanimous consent to print the joint resolution in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 147

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled,

Whereas scleroderma is a disease in which connective tissue in the body becomes hardened and rigid, and might afflict any part of the body;

Whereas approximately 300,000 people in the United States suffer from scleroderma;

Whereas women are afflicted by scleroderma 3 times more often than men;

Whereas scleroderma is a chronic and often progressive illness that can result in death;

Whereas the symptoms of scleroderma vary greatly from person to person and can complicate and confuse diagnosis;

Whereas the cause and cure of scleroderma are unknown; and

Whereas scleroderma is an orphan disease and is considered to be under-studied: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 11, 1989, is designated as "National Scleroderma Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 11, a bill to provide for the protection of the public lands in the California desert.

S. 12

At the request of Mr. CRANSTON, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 12, a bill to establish a Parents as Partners in Learning Program, and for other purposes.

S. 15

At the request of Mr. CRANSTON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 100

At the request of Mr. ROCKEFELLER, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 100, a bill to amend the title XVIII of the Social Security Act with respect to coverage of, and payment for, services of psychologists under part B of Medicare.

S. 148

At the request of Mr. PRESSLER, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the golden anniversary of the Mount Rushmore National Memorial.

S. 221

At the request of Mr. MOYNIHAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 221, a bill to amend title 23, United States Code, to authorize the use of rights-of-way along Federal-aid highways for the construction of transportation systems that will be part of the Federal-aid highway system.

S. 255

At the request of Mrs. KASSEBAUM, her name was added as a cosponsor of S. 255, a bill to authorize appropriations for the Local Rail Service Assistance Program.

S. 276

At the request of Mr. DURENBERGER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 276, a bill to establish a Department of Environmental Protection.

S. 339

At the request of Mr. BRADLEY, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 339, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program.

S. 399

At the request of Mr. GLENN, the names of the Senator from Nevada [Mr. REID] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 399, a bill to amend the Library Services and Construction Act to authorize the Secretary of Education to establish a program to make grants to local public libraries to establish demonstration projects using older adult volunteers to provide intergenerational library literacy programs to children during afterschool hours, and for other purposes.

S. 432

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 432, a bill to direct the Secretary of Transportation to identify scenic and historic roads and to develop methods of designating, promoting, protecting, and enhancing roads as scenic and historic roads.

S. 488

At the request of Mr. FOWLER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 488, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

S. 499

At the request of Mr. CRANSTON, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 499, a bill to amend the National Security Act of 1947 to make the Secretary of Commerce a member of the National Security Council.

S. 511

At the request of Mr. INOUYE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 524

At the request of Mr. BRADLEY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 524, a bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the medicare program, and for other purposes.

S. 652

At the request of Mr. KENNEDY, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 652, a bill to revise the format of the Presidential report to Congress on voting practices in the United Nations.

S. 681

At the request of Mr. BAUCUS, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Florida [Mr. MACK], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Hawaii [Mr. INOUYE], the Senator from Alaska [Mr. STEVENS], the Senator from Colorado [Mr. ARMSTRONG], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KERRY], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. THURMOND], the Senator from Nevada [Mr. BRYAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alabama [Mr. SHELBY], the Senator from Maine [Mr. MITCHELL], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Indiana [Mr. LUGAR], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Ohio [Mr. GLENN], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Connecticut [Mr. LIEBERMAN] were addded as cosponsors of S. 681, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes.

S. 708

At the request of Mr. BRADLEY, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 708, a bill to amend title V of the Social Security Act to promote the integration and coordination of services for pregnant women and infants to prevent and reduce infant mortality and morbidity.

S. 720

At the request of Mr. BOREN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 725

At the request of Mr. GRAHAM, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 725, a bill to amend the Internal Revenue Code of 1986 to require any general election candidate who receives amounts from the Presidential Election Campaign Fund to participate in debates with other such candidates.

S. 754

At the request of Mr. PACKWOOD, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wyoming [Mr. WALLOP], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 754, a bill to restrict the export of unprocessed timber from certain Federal lands, and for other pruposes.

S. 755

At the request of Mr. PACKWOOD, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wyoming [Mr. WALLOP], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 755, a bill to authorize the States to prohibit or restrict the export of unprocessed logs harvested from lands owned or administered by States.

S. 840

At the request of Mr. BOREN, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 840, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for education loan interest incurred by doctors, nurses, and allied health professionals while serving in medically underserved areas.

S. 877

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 877, a bill to require the posting on certain aircraft of information relating to the date of manufacture of the aircraft, and for other purposes.

S. 880

At the request of Mr. MCCONNELL, the name of the Senator from Arizona

[Mr. MCCAIN] was added as a cosponsor of S. 880, a bill to amend the Child Nutrition Act of 1966 to require the Secretary of Agriculture to provide startup funds to State educational agencies for distribution to schools to establish or expand school breakfast programs, to require the Secretary to collect and disseminate certain information concerning the school breakfast program, and for other purposes.

S. 881

At the request of Mr. MCCONNELL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 881, a bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresidential day care services is considered an institution under the child care food program, and for other pruposes.

S. 882

At the request of Mr. MCCONNELL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 882, a bill to amend the National School Lunch Act to make private nonprofit organizations eligible to participate in the Summer Food Service Program for children, and for other purposes.

S. 893

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees.

S. 945

At the request of Mr. MCCAIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 945, a bill to amend title 38, United States Code, to ensure that all veterans eligible to receive educational assistance under the Veterans' Educational Assistance Program have 10 years after discharge or release from active duty in which to pursue a program of education with such assistance.

S. 1002

At the request of Mr. DURENBERGER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1002, a bill to amend the Solid Waste Disposal Act.

S. 1010

At the request of Mr. WILSON, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1010, a bill to encourage further cooperation between Federal, State, and local law enforcement agencies in their efforts against drug trafficking and other serious criminal activities.

S. 1043

At the request of Mr. FORD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1043, a bill to establish a commission on aviation security and terrorism to investigate the adequacy of and compliance with aviation security procedures and Federal Aviation Administration security requirements.

S. 1052

At the request of Mr. KERRY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1052, a bill to regulate equipment for servicing motor vehicle air conditioners, to restrict the sale of chlorofluorocarbons and motor vehicles with air conditioners that use chlorofluorocarbons, to require reports on the use of chemicals which deplete the ozone layer in the stratosphere, and for other purposes.

S. 1078

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1078, a bill to amend the Social Security Act to provide for improved delivery of health services to individuals residing in rural areas by making certain modifications with respect to health clinic services provided under such act, and for other purposes.

S. 1087

At the request of Mr. BURNS, the names of the Senator from Montana [Mr. BAUCUS], and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of S. 1087, a bill to amend the Disaster Assistance Act of 1988 to provide disaster assistance to orchard owners who have suffered losses as a result of freeze damage in 1989, and for other purposes.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Texas [Mr. BENTSEN], the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arkansas [Mr. PRYOR], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 15, a joint resolution to designate the second Sunday in October of 1989 as "National Children's Day."

SENATE JOINT RESOLUTION 57

At the request of Mr. PELL, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 57, a joint resolution to establish a national policy on permanent papers.

SENATE JOINT RESOLUTION 74

At the request of Mr. GORE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution to designate the month of May 1989 as "National Digestive Disease Awareness Month."

SENATE JOINT RESOLUTION 76

At the request of Mr. HELMS, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 76, a joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week."

SENATE JOINT RESOLUTION 78

At the request of Mr. BENTSEN, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Michigan [Mr. RIEGLE], the Senator from Vermont [Mr. LEAHY], the Senator from Georgia [Mr. FOWLER], the Senator from Oklahoma [Mr. BOREN], the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. HELMS], the Senator from Missouri [Mr. BOND], the Senator from Nebraska [Mr. EXON], the Senator from Idaho [Mr. SYMMS], the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. MCCLURE], the Senator from Louisiana [Mr. BREAUX], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to designate the month of November 1989 and 1990 as "National Hospice Month."

SENATE JOINT RESOLUTION 81

At the request of Mr. DIXON, the names of the Senator from Washington [Mr. GORTON], the Senator from Wisconsin [Mr. KASTEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. KERREY], the Senator from Michigan [Mr. RIEGLE], the Senator from Georgia [Mr. NUNN], the Senator from Washington [Mr. ADAMS], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 81, a joint resolution to designate the week of October 1 through 7, 1989, as "National Health Care Food Service Week."

SENATE JOINT RESOLUTION 96

At the request of Mr. LAUTENBERG, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Joint Resolution 96, a joint resolution designating July 2, 1989, as "National Literacy Day."

SENATE JOINT RESOLUTION 103

At the request of Mr. BRADLEY, the names of the Senator from Rhode Island [Mr. PELL], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. MCCLURE], the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. SHELBY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from

Kansas [Mr. DOLE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Virginia [Mr. ROBB], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Michigan [Mr. RIEGLE], the Senator from Maine [Mr. MITCHELL], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 103, a joint resolution to designate the period commencing February 18, 1990, and ending February 24, 1990, as "National Visiting Nurse Associations Week."

SENATE JOINT RESOLUTION 105

At the request of Mr. DOLE, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. BURDICK], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from Maine [Mr. COHEN], the Senator from Texas [Mr. BENTSEN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Tennessee [Mr. GORE], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 105, a joint resolution to designate October 7 through October 14, 1989, as "National Week of Outreach to the Rural Disabled."

SENATE JOINT RESOLUTION 121

At the request of Mr. DECONCINI, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Florida [Mr. MACK], the Senator from Illinois [Mr. SIMON], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 121, a joint resolution to provide for the designation of September 14, 1989, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 122

At the request of Mr. LUGAR, the names of the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from North Dakota [Mr. BURDICK], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Georgia [Mr. FOWLER], the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. SANFORD], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 122, a joint resolution to designate October 1989 and 1990 as "National Down Syndrome Month."

SENATE JOINT RESOLUTION 124

At the request of Mr. GORTON, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Wisconsin [Mr. KOHL], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 124, a joint resolution to designate October as "National Quality Month."

SENATE JOINT RESOLUTION 127

At the request of Mr. SIMON, the names of the Senator from Connecticut [Mr. DODD], the Senator from California [Mr. WILSON], the Senator from Maine [Mr. COHEN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Nebraska [Mr. EXON], the Senator from Alabama [Mr. HEFLIN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Texas [Mr. BENTSEN], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 127, a joint resolution designating Labor Day Weekend, September 2-4, 1989, as "National Drive for Life Weekend."

SENATE JOINT RESOLUTION 130

At the request of Mr. SARBANES, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Montana [Mr. BURNS], the Senator from Massachusetts [Mr. KERRY], the Senator from Texas [Mr. BENTSEN], the Senator from California [Mr. CRANSTON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week."

SENATE JOINT RESOLUTION 131

At the request of Mr. DURENBERGER, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Carolina [Mr. HELMS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 131, a joint resolution to designate November 1989 as "National Diabetes Month."

SENATE JOINT RESOLUTION 140

At the request of Mr. GLENN, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Virginia [Mr. ROBB], the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. LUGAR], the Senator from Maine [Mr. MITCHELL], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Idaho [Mr. MCCLURE], the Senator from North Dakota [Mr. BURDICK], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating November 19–25, 1989, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 142

At the request of Mr. LIEBERMAN, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 142, a joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week."

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. CRANSTON, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Wisconsin [Mr. KOHL], the Senator from Oregon [Mr. HATFIELD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from California [Mr. WILSON], the Senator from

Delaware [Mr. BIDEN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Maryland [Mr. SARBANES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Virginia [Mr. ROBB], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alaska [Mr. STEVENS], the Senator from North Carolina [Mr. SANFORD], the Senator from Oregon [Mr. PACKWOOD], the Senator from Hawaii [Mr. INOUYE], the Senator from Michigan [Mr. RIEGLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Vermont [Mr. LEAHY], the Senator from Arizona [Mr. DECONCINI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. SIMON], the Senator from Washington [Mr. ADAMS], the Senator from Tennessee [Mr. SASSER], the Senator from New York [Mr. D'AMATO], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Concurrent Resolution 40, a concurrent resolution to designate June 21, 1989, as Chaney, Goodman, and Schwerner Day.

SENATE RESOLUTION 13

At the request of Mr. DOLE the names of the Senator from Virginia [Mr. WARNER], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Resolution 13, a resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing-impaired individuals of floor proceedings of the Senate.

SENATE RESOLUTION 99

At the request of Mr. BOSCHWITZ, the name of the Senator from Rhode Island [Mr. PELL] was added as cosponsor of Senate Resolution 99, a resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate.

SENATE RESOLUTION 114

At the request of Mr. GRAHAM, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Resolution 114, a resolution concerning the restoration of Eastern Airlines.

SENATE RESOLUTION 116

At the request of Mr. LAUTENBERG, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Resolution 116, a resolution commemorating the 50th anniversary of the U.S. Jewish Appeal.

SENATE RESOLUTION 140—RELATING TO USE OF THE SENATE HART BUILDING ATRIUM

Mr. KERREY submitted the following resolution; which was considered and agreed to:

S. RES. 140

Resolved, That the atrium of the Senate Hart Office Building may be used from 12 noon until 1 p.m. on one day during the week of June 19, 1989, for a concert of American music to be presented by the Congressional Chorus.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1989

SPECTER AMENDMENT NO. 111

Mr. SPECTER proposed an amendment to the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, as follows:

At the appropriate place in the bill insert:

DEPARTMENT OF DEFENSE

DRUG INTERDICTION DEFENSE

SEC. . Of the funds made available under this heading in the Department of Defense Appropriations Act of 1989, Public Law 100-463, $70,000,000 is hereby rescinded.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

SEC. . For an additional amount for "Buildings and Facilities", $70,000,000, to remain available until expended.

INOUYE AMENDMENT NO. 112

Mr. INOUYE proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for each of the following:

(1) the vessel *Liberty*, hull identification number BHA 5512 B and State of Hawaii registration number HA 5512 B;

(2) the vessel *Navatek I;*

(3) the vessel *Nancy Ann*, United States official number 901962; and

(4) the vessel *Nor'Wester*, United States official number 913451.

COATS AMENDMENT NO. 113

Mr. COATS proposed an amendment to the bill H.R. 2072, supra, as follows:

At the end of the bill, add the following new section:

"SEC. . SENSE OF THE SENATE REGARDING THE PANAMANIAN GOVERNMENT.

"It is the Sense of the Senate that the current ruling government of Panama is not democratically elected."

COATS (AND OTHERS) AMENDMENT NO. 114

Mr. COATS (for himself, Mr. DOLE, Mr. LOTT, Mr. BOSCHWITZ, Mr. HELMS, Mr. ARMSTRONG, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. WILSON, Mr. SYMMS, Mr. MCCLURE, Mr. BOND, Mr. D'AMATO, Mr. KASTEN, and Mr. MACK) proposed an amendment to the bill H.R. 2072, supra, as follows:

SEC. —. SENSE OF THE SENATE REGARDING THE APPOINTMENT OF A NEW ADMINISTRATOR OF THE PANAMA CANAL COMMISSION.

It is the Sense of the Senate that the President should not appoint a new Administrator of the Panama Canal Commission unless and until he certifies to Congress that the ruling government of Panama is democratically elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces.".

BYRD AMENDMENT NO. 115

Mr. BYRD proposed an amendment to the bill H.R. 2072, supra, as follows:

On page 35, line 8, before the period, insert the following:

Provided further, Notwithstanding any other provision of law, the Federal Aviation Administration shall renegotiate the Logan County Airport grant agreements "5-54-0013-01-77" and "5-54-0013-02-78" to include funds sufficient to cover the additional project costs associated with project delay and inflation, so that the project can be completed as originally intended.

REID (AND OTHERS) AMENDMENT NO. 116

Mr. REID (for himself, Mr. METZENBAUM, Mr. STEVENS, Mr. KOHL, Mr. LIEBERMAN, Mr. DOLE, Mr. GARN, Mr. WILSON, and Mr. DECONCINI) proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill, insert the following:

"SEC. 100. SHORT TITLE.

"This title may be cited as the "Oil Spill Bill".

"SEC. 101. DISALLOWANCE OF COSTS FOR CLEANUP OF OIL OR HAZARDOUS SUBSTANCE DISCHARGES.

"(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to deduction for trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) OIL AND HAZARDOUS SUBSTANCES CLEANUP COSTS.—

"(1) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any applicable oil or hazardous substances cleanup costs if—

"(A) the Secretary receives notification from the Commandant of the Coast Guard or his delegate that the taxpayer has failed to comply with section 311(c) or 311(e) of

the Federal Water Pollution Control Act, or any administrative or judicial order or consent decree issued under section 311 of the Federal Water Pollution Control Act or the provisions of the National Contingency Plan for oil discharges; or

"(B) the Secretary receives notification from the Administrator of the Environmental Protection Agency or his delegate that the taxpayer has failed to comply with any administrative or judicial order or consent decree issued under sections 104, 106 or 122 of the Comprehensive Environmental Response, Compensation and Liability Act, sections 3008(h) or 7003 of the Resource Conservation and Recovery Act or under applicable State statutes for hazardous substances discharges.

"(2) NEGLIGENCE.—Notwithstanding any other provision of this subsection, no deduction shall be allowed under subsection (a) for any applicable oil or hazardous substances cleanup costs where it can be shown that the oil or hazardous substance discharge was the result of willful negligence or willful misconduct.

"(3) REDUCTION OF TAX ATTRIBUTES.—The tax attributes of the taxpayer shall be reduced in the manner prescribed in section 108(b)(2) (without reference to sections 108(b)(4) and 108(b)(5)) by an amount equal to the amount disallowed under paragraph (1) or (2).

"(4) ITEMIZATION OF COSTS.—The costs described in this subsection shall be separately stated in such manner as the Secretary may prescribe on a form accompanying the return of tax for the taxable year in which such costs were paid or incurred.

"(5) DEFINITIONS.—For purposes of this subsection the term—

"(A) 'applicable oil or hazardous substances cleanup costs' means any costs paid or incurred (whether or not in the taxable year in which the discharge occurs) in connection with the cleanup of any oil or hazardous substances discharged by the taxpayer.

"(B) The term 'applicable oil or hazardous substances cleanup costs' includes, but is not limited to—

"(i) any legal expenses arising directly or indirectly from a discharge of oil or hazardous substances;

"(ii) any payments or restitution to any person arising out of such discharge;

"(iii) any costs incurred to restore and replace natural resources damaged by such discharges; and

"(iv) any costs required by any applicable Federal law or regulation.

"(C) 'discharge' means—

"(i) 'discharge' as defined in section 311(a)(2) of the Federal Water Pollution Control Act; and

"(ii) 'release' as defined in 42 USCS section 9601(22).

"(D) 'oil' shall have the meaning provided in section 311(a)(1) of the Federal Water Pollution Control Act (33 USCS, Section 1321(a)(1));

"(E) 'hazardous substance' shall have the meaning provided in 42 USCS, section 9601(14).

"SEC. 102. DENIAL OF DEDUCTION FOR LOSSES RESULTING FROM CERTAIN OIL OR HAZARDOUS SUBSTANCE DISCHARGES.

"Section 165 of the Internal Revenue Code of 1986 (relating to deductions for losses) is amended by adding the following new subsection (m):

"(m) DENIAL OF DEDUCTION FOR LOSSES RESULTING FROM CERTAIN OIL OR HAZARDOUS SUBSTANCE DISCHARGES.—Nothing in subsection (a) or in any other provision of law shall be construed to provide a deduction for any loss sustained by a taxpayer if the loss is attributable to, results from, or arises in connection with, any oil or hazardous substance discharge the cleanup costs of which are disallowed as a deduction under section 162(m).

"SEC. 103. LIMITATIONS ON DEFICIENCIES AND CREDITS ARISING FROM CLEANUP CERTIFICATION.

"(a) IN GENERAL.—Section 6501 of the Internal Revenue Code of 1986, is amended by redesignating subsection (o) as subsection (n) and inserting after subsection (n) the following new subsection—

"(o) SPECIAL RULE FOR CLEANUP CERTIFICATION.—In the case of any deduction disallowed under section 162(m), if the Secretary receives the notification described in section 162(m)(1)(A) or 162(m)(1)(B), the period for assessing any deficiency attributable to the receipt of such notification shall not expire before the date which is 1 year after the date on which such certificate is issued.

"(b) IN GENERAL.—Section 6511 of the Internal Revenue Code of 1986 is amended by redesignating subsection (h) and (i) and inserting after subsection (g) the following new subsection—

"(h) SPECIAL RULE FOR CLEANUP CERTIFICATION.—In the case of any deduction disallowed under section 162(m), if the Secretary receives the notification described in section 162(m)(1)(A) or 162(m)(1)(B), the period for filing a claim for credit or refund attributable to receipt of such notification shall not expire before the date which is 1 year after the date on which such certificate is issued.

"SEC. 104. DISTRIBUTION OF LOST DEDUCTION TO EXISTING TRUST FUNDS.

"(a) IN GENERAL.—There is established in the Treasury of the United States an account, consisting of such amounts as may be appropriated to the account as provided in subsection (b).

"(b) TRANSFER TO ACCOUNT.—There is hereby appropriated to the account for each fiscal year an amount equal to the amount which the Secretary or his delegate determines to be the increase in revenues for such fiscal year by reason of the amendments made by section 101. The amounts appropriated by the preceding sentence shall be transferred to the account from the general fund of the Treasury in the manner provided under section 9601 of the Internal Revenue Code of 1986.

"(c) EXPENDITURES FROM ACCOUNT.—Amounts in the account established under subsection (a) shall be available, as provided in appropriation Acts, only—

"(1) in the case of amounts attributable to any oil discharge, for making expenditures for the purposes described in section 311(k) of the Federal Water Pollution Control Act (33 USC, section 1321(k)), or

"(2) in the case of any other amounts, for transfer to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Act of 1986.

"SEC. 105. EFFECTIVE DATE.

"The provisions of this Act are effective for all discharges occurring after March 23, 1989, in taxable years ending after such date.

"SEC. 106. STUDY AND REPORT.

"(a) STUDY OF REVENUE LOSS.—Not later than six months after the date of enactment of this Act, the Secretary or his delegate shall submit to the House Committee on Ways and Means and the Senate Committee on Finance an estimate of the decrease of Federal revenues during the period beginning January 1, 1970, and ending December 31, 1983, by reason of the allowance of applicable cleanup costs (within the meaning of section 162(m) of the Internal Revenue Code of 1986).

"(b) ANNUAL REPORT TO CONGRESS.—The Secretary or his delegate shall make an annual report to the House Committee on Ways and Means and the Senate Committee on Finance detailing the amount expended on environmental clean-up costs and the amount accruing to the Treasury under section 162(m) of the Internal Revenue Code of 1986.

"(c) EFFECTIVE DATE.—The first report required by subsection (b) shall be submitted 12 months after the study in subsection (a) is submitted to Congress."

D'AMATO (AND OTHERS) AMENDMENT NO. 117

Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. SPECTER, and Mr. WILSON) proposed an amendment to the bill H.R. 2072, supra, as follows:

SUBCHAPTER I

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,500,000.

OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for "Operations and Maintenance, Air Interdiction Program", $44,500,000, to remain available until expended.

SUBCHAPTER II

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEMS

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $10,000,000, to remain available until expended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $7,000,000.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $19,000,000, of which $4,000,000 shall be available to implement Section 6151 of Public Law 100-690.

OFFICE OF JUSTICE PROGRAMS

BUREAU OF JUSTICE ASSISTANCE

For an additional amount for "Salaries and Expenses", $15,000,000 which shall only be available for discretionary grants to public, private and non-profit agencies for the purposes of education and treatment to reduce drug abuse in the inmate population, as authorized under Section 6091 of Public Law 100-690.

SUBCHAPTER III

DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", $23,000,000, for the installation of an APS-125 or APS-138 radar system on an existing Coast Guard long-range surveillance aircraft, to remain available until expended.

SUBCHAPTER IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for substance abuse prevention and treatment activities, $58,000,000, as authorized in Section 2025 of Public Law 100-690, of which $15,000,000 shall be available for the service grant demonstration program to reduce substance abuse by high risk youth and pregnant women.

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICE

For an additional amount for "Indian Health Services", $10,000,000, Provided that these funds shall only be available for the purposes of Indian Alcohol and Substance Abuse Prevention and Treatment programs, as authorized in Title II, subtitle C of Public Law 100-690.

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For an additional amount for "Program Operations", $5,000,000, to carry out the purposes authorized in Title II, Subtitle D of Public Law 100-690.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount to carry out Part C of the Drug-Free Schools and Communities Act of 1986, as amended, $5,000,000.

SUBCHAPTER V

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For an additional amount to carry-out the provisions of Section 3201 of Public Law 100-690, $3,500,000.

SUBCHAPTER VI

DEPARTMENT OF VETERANS' AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount to supplement Section 2501 of Public Law 100-690, $10,000,000.

METZENBAUM AMENDMENT NO. 118

Mr. METZENBAUM proposed an amendment to the bill H.R. 2072, supra, as follows:

On page 31, after line 16, insert the following new language:

"For an additional amount for orphan drug grants and contracts, $1,000,000".

On page 29, line 9, delete the sum "$1,000,000" and insert in lieu thereof, "$120,000".

On page 30, line 23, delete the sum "$200,000" and insert in lieu thereof, "$80,000".

GRAHAM AMENDMENT NO. 119

Mr. GRAHAM proposed an amendment, which was subsequently modified, to the bill H.R. 2072, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . RESTORATION OF EASTERN AIRLINES.

(a) FINDINGS.—The Senate finds that—

(1) the operations of Eastern Airlines have been substantially shut down since March 4, 1989, by a strike by the International Association of Machinists with the support of pilots and flight attendant unions;

(2) Eastern Airlines filed a petition under chapter 11 of title 11, United States Code, on Marlch 9, 1989;

(3) Texas Air Corporation, which controls Eastern Airlines, had negotiated for the sale of Eastern;

(4) the organized employees of Eastern had agreed to provide a potential new owner with substantial wage concessions;

(5) the deregulatipon of the airline industry by Congress was predicated on the anticipated continued existence of strong, independent airlines, such as Eastern Airlines;

(6) the Bankruptcy Court has the power to appoint an independent trustee to manage Eastern's return to operation during the interim period, leading up to the consummation of the sale agreement and transfer of control to a potential owner, and

(7) the return of Eastern Airlines to full operation is in the public interest and in the best interest of the creditors, employees, and customers of Eastern as well as the economies of the communities, States and regions of the United States that Eastern serves.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Bankruptcy Court and all involved parties should facilitate the prompt and safe restoration of Eastern Airlines to full operations through all appropriate action, which may or may not include appointment of an independent trustee, pending sale of the company.

DECONCINI (AND OTHERS) AMENDMENT NO. 120

Mr. DECONCINI (for himself, Mr. KASTEN, Mr. LEAHY, Mr. SPECTER, Mr. HOLLINGS, and Mr. INOUYE) proposed an amendment to the bill H.R. 2072, supra, as follows:

At the end of the bill, add the following:

SEC. . RESPONSIBILITY FOR NUCLEAR, CHEMICAL, BIOLOGICAL, AND MISSILE NONPROLIFERATION.

(a) RESPONSIBILITIES.—The responsibilities of the Undersecretary of State for Coordinating Security Assistance Policy shall include

(1) coordinating United States diplomatic efforts to obtain the agreement of all appropriate countries to a missile technology control regime encompassing chemical, biological, and nuclear capable missiles; and

(2) coordinating policies within the United States Government on strategies for restricting the export to foreign countries of components of missiles which are capable of carrying nuclear, chemical, or biological weapons.

(b) REPORT REQUIRED.—The Secretary of State shall submit within 90 days of the date of enactment of this Act to the Speaker of the House of Representatives and the President pro tempore of the Senate a report setting forth the Administration strategy for dealing with the missile proliferation issue, and specifying the steps taken to ensure that adequate resources will be allocated for that purpose.

(c) CONTENTS OF REPORT.—The report required in subsection (b) shall contain, but is not limited to—

(1) a discussion of efforts that can be made to strengthen the Missile Technology Control Regime to restrict the flow of Western missile hardware and knowhow;

(2) a discussion of ways to strengthen international arrangements, including the formation of a new international organization, to monitor missile-related exports and compliance with missile nonproliferation efforts; and

(3) a discussion of how incentives and threats of sanctions can be used to win the cooperation of more nations in controlling missile proliferation.

SEC. . TEMPORARY SUSPENSION OF RIGHT TO REPURCHASE STINGER MISSILES.

Notwithstanding section 573(b)(4) of the Foreign Operations, Export Financing and Related Programs Appropriations Act. 1988, and section 566(b)(4) of the Foreign Operations. Export Financing, and Related Programs Appropriations Act 1989, the United States hereby suspends its obligation to repurchase STINGER antiaircraft missiles from Bahrain until October 31, 1989.

GRAHAM (AND OTHERS) AMENDMENT NO. 121

Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. KASTEN) proposed an amendment to the bill H.R. 2072, supra, as follows:

On page 11, line 16, before the period, insert the following: ": *Provided further,* That there shall be available an additional amount for the "Economic Support Fund", $3,000,000, which shall be made available notwithstanding any other provision of law for the promotion of democracy in Nicaragua: *Provided further,* That this amount shall be derived from funds appropriated under such heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1987, or from funds earmarked under such heading in Public Law 100-202 for reconstruction and rehabilitation of the National University of El Salvador and other institutions of higher education in El Salvador: *Provided further,* That such funds shall be in addition to funds made available for the promotion of democracy in Nicaragua by Public Law 100-461".

WARNER (AND OTHERS) AMENDMENT NO. 122

(Ordered to lie on the table.)

Mr. WARNER (for himself, Mr. REID, Mr. LIEBERMAN, Mr. CHAFEE, Mr. RIEGLE, Mr. PRESSLER, and Mr. WIRTH) submitted an amendment intended to be proposed by them to the bill H.R. 2072, supra, as follows:

At the end of the bill, add the following new section:

SEC. . (a) Congress finds that—

(1) the Administrator of the Environmental Protection Agency has determined that the use of the pesticide daminozide on food or food products may pose an unreasonable risk to human health;

(2) the Administrator has proposed to cancel daminozide, however, such cancellation may take as long as 18 months;

(3) publicity over the continued use of daminozide has resulted in public fear of consuming certain agricultural crops;

(4) growers and producers of certain agricultural products have suffered significant economic losses due to diminished sales; and

(5) unless action is taken immediately to prohibit the use of daminozide on agricultural products, consumers may be subject to continued health risk and public confidence in certain agricultural products may continue to erode, resulting in even further economic losses.

(b) As used in this section:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "daminozide" means butanedioic acid mono (2,2-dimethylhydrazide), including its degradate and metabolite, unsymmetrical dimethylhydrazine.

(3) The terms "person", "State", and "to distribute or sell" shall have the same meaning given such terms in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(c)(1) No person in any State may distribute or sell to any person, or use, any pesticide containing daminozide that is labeled for food use.

(2) The registration under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) of a pesticide that is subject to paragraph (1) shall be treated as canceled.

(3)(A) The Administrator shall issue an order that requires the registrant of a pesticide that is subject to paragraph (1) to—

(i) conduct, a recall of the pesticide from dealers, distributors, and end-users; and

(ii) provide for the proper storage and disposal of the pesticide.

(B) Such order shall—

(i) apply to storage and disposal of the pesticide, any container holding the pesticide, any rinsate containing the pesticide, or any other material used to contain or collect excess or spilled quantities of the pesticide;

(ii) specify recall procedures that are consistent with section 15(b)(4) of such Act (7 U.S.C. 136q(b)(4)); and

(iii) prescribe the means to be used to verify the effectiveness of the recall.

(C) A violation of an order issued under this paragraph shall be considered a violation of section 12 of such Act (7 U.S.C. 136j).

(4)(A) A person who holds a registration of a pesticide containing daminozide immediately before the date of enactment of this Act shall reimburse any person who holds any quantity of a pesticide that is subject to paragraph (1).

(B) The amount of such reimbursement shall be the prevailing sale price for such pesticide, at the time the pesticide came into possession of the person seeking reimbursement.

(d)(1) All existing tolerances and food additive regulations for daminozide established under section 408 or 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a or 348) shall be treated as revoked.

(2)(A) Following revocation of a tolerance or food additive regulation under paragraph (1), the Secretary of Health and Human Services, in consultation with the Administrator, shall, by order, as part of the enforcement of such Act, establish an action level, as necessary, to permit distribution in commerce of food that bears a residue of daminozide that is the result of—

(i) the use of a pesticide containing daminozide before the date of the enactment of this Act; or

(ii) unavoidable residual environmental contamination that occurs before such date.

(B) The Secretary, in consultation with the Administrator, shall periodically reduce or revoke an action level established under subparagraph (A) to account for the expected reduction of daminozide in the food supply.

BIDEN (AND OTHERS) AMENDMENT NO. 123

Mr. BIDEN (for himself, Mr. BRADLEY, Mr. D'AMATO, Mr. GRAHAM, Mr. DECONCINI, and Mr. MOYNIHAN) proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill, insert the following new title:

TITLE . ADDITIONAL REVENUE FOR ANTI-DRUG PROGRAMS.

SEC. . INCREASE IN TAX ON CIGARETTES AND ALCOHOL.

(a) CIGARETTES.—

(1) RATE OF TAX.—Subsection (b) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigarettes is amended—

(A) by striking "$8" in paragraph (1) and inserting in lieu thereof "$9"; and

(B) by striking "$16.80" in paragraph (2) and inserting in lieu thereof "$18.90".

(2) FLOOR STOCKS.—

(A) IMPOSITION OF TAX.—On cigarettes manufactured in or imported into the United States which are removed before September 1, 1989, and held on such date for sale by any person, there shall be imposed the following taxes:

(i) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $1 per thousand;

(ii) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $2.10 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(B) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(i) LIABILITY FOR TAX.—A person holding cigarettes on September 1, 1989, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(ii) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on October 16, 1989, in the same manner as the tax imposed under such section is payable with respect to cigarettes removed on September 1, 1989.

(C) CIGARETTE.—For purposes of this section, the term "cigarette" shall have the meaning given to such term by subsection (b) of section 5702 of the Internal Revenue Code of 1986.

(D) EXCEPTION FOR RETAIL STOCKS.—The taxes imposed by paragraph (1) shall not apply to cigarettes in retail stocks held on September 1, 1989, at the place where intended to be sold at retail.

(e) FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (19 U.S.C. 81a et seq.) or any other provision of law—

(i) cigarettes—

(I) on which taxes imposed by Federal law are determined, or customs duties are liquidated, by a customs officer pursuant to a request made under the first proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before September 1, 1989, and

(II) which are entered into the customs territory of the United States on or after September 1, 1989, from a foreign trade zone, and

(ii) cigarettes which—

(I) are placed under the supervision of a customs officer pursuant to the provisions of the second proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before September 1, 1989, and

(II) are entered into the customs territory of the United States on or after September 1, 1989, from a foreign trade zone,

shall be subject to the tax imposed by paragraph (1) and such cigarettes shall, for purposes of paragraph (1), be treated as being held on September 1, 1989, for sale.

(b) DISTILLED SPIRITS.—

(1) IN GENERAL.—Paragraphs (1) and (3) of section 5001(a) of the Internal Revenue Code of 1986 (relating to rate of tax) are each amended by striking out "$12.50" and inserting in lieu thereof "$14.00".

(2) CONFORMING AMENDMENT.—Subsection (a) of section 5010 of such Code (relating to credit for wine content and for flavors content) is amended by striking "$12.50" both places it appears and inserting in lieu thereof "$14.00".

(c) WINES.—Subsection (b) of section 5041 of the Internal Revenue Code of 1986 (relating to rates of tax) is amended—

(1) by striking out "17 cents" in paragraph (1) and inserting in lieu thereof "42 cents",

(2) by striking out "67 cents" in paragraph (2) and inserting in lieu thereof "92 cents",

(3) by striking out "$2.25" in paragraph (3) and inserting in lieu thereof "$2.50",

(4) by striking out "$3.40" in paragraph (4) and inserting in lieu thereof "$3.65", and

(5) by striking out "$2.40" in paragraph (5) and inserting in lieu thereof "$2.65".

(d) BEER.—Section 5051(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$9" in paragraph (1) and inserting in lieu thereof "$11.80"; and

(2) by striking out "$7" in the caption and text of paragraph (2)(A) and inserting in lieu thereof "$9.80".

(e) FLOOR STOCKS ON DISTILLED SPIRITS, WINE, AND BEER.—

(1) IMPOSITION OF TAX ON DISTILLED SPIRITS.—On articles manufactured in or imported into the United States which are taxable under section 5001(a) of the Internal Revenue Code of 1986, removed before September 1, 1989, and held on such date for sale by any person there shall be imposed the following taxes:

(A) DISTILLED SPIRITS.—On distilled spirits, $1.50 per proof gallon.

(B) IMPORTED PERFUMES.—On imported perfumes described in section 5001(a)(3) of such Code, $1.50 per wine gallon.

(2) IMPOSITION OF TAX ON WINES.—On wines produced in or imported into the United States which are taxable under section 5041(a) of such Code, removed before September 1, 1989, and held on such date for sale by any person there shall be imposed the following taxes:

(A) On still wines containing not more than 14 percent of alcohol by volume, 25 cents per wine gallon;

(B) On still wines containing more than 14 percent and not exceeding 21 percent of alcohol by volume, 25 cents per wine gallon;

(C) On still wines containing more than 21 percent and not exceeding 24 percent of alcohol by volume, 25 cents per wine gallon;

(D) On champagne and other sparkling wines, 25 cents per wine gallon; and

(E) On artificially carbonated wines, 25 cents per wine gallon.

(3) IMPOSITION OF TAX ON BEER—On beer brewed or produced in, or imported into, the United States which is taxable under section 5051(a) of such Code, removed before September 1, 1989, and held on such date for sale by any person there shall be imposed the following taxes:

(A) On beer described in section 5051(a)(1) of such Code, $2.80 per barrel.

(B) On beer described in section 5051(a)(2) of such Code, $2.80 per barrel.

(4) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding distilled spirits, an article, wine, or beer on September 1, 1989, to which any tax imposed by paragraph (1), (2), or (3) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The taxes imposed by paragraphs (1), (2), and (3) shall be treated as taxes imposed under section 5001(a), 5041(a), and section 5051(a) of such Code, respectively, and—

(i) shll be paid in such manner as the Secretary shall by regulations prescribe, and

(ii) shall be paid as such date (not later than 6 months after the date of the enactment of this Act) as the Secretary shall by regulations prescribe.

(5) EXCEPTION FOR ON-PREMISES RETAIL ESTABLISHMENTS.—To the extent provided in regulations prescribed by the Secretary, the taxes imposed by paragraphs (1), (2), and (3) shall not apply to distilled spirits, articles, wine, and beer held on September 1, 1989, on the premises of a retail establishment where alcoholic beverages are sold for consumption on the premises only.

(6) DEFINITIONS.—For purposes of this section—

(A) DISTILLED SPIRITS.—The term "distilled spirits" has the meaning given to such term by section 5002(a)(8) of the Internal Revenue Code of 1986.

(B) PROOF GALLON.—The term "proof gallon" has the meaning given to such term by section 5002(a)(11) of such Code.

(C) ARTICLE.—The term "article" has the meaning given to such term by section 5002(a)(14) of such Code.

(D) WINE GALLON.—The term "wine gallon" has the meaning given to such term by section 5041(c) of such Code.

(E) BEER.—The term "beer" has the meaning given to such term by section 5052(a) of such Code.

(F) PERSON.—The term "person" includes any State or political subdivision thereof, or any agency or instrumentality of a State or political subdivision thereof.

(G) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(f) ESTABLISHMENT OF DRUG FREE AMERICA TRUST FUND.—Amounts equal to all additional revenues resulting from the provisions and amendments made by subsections (a), (b), (c), (d), and (e) of this section shall be deposited by the Secretary of the Treasury into a special fund of the United States Treasury, to be known as the "Drug Free America Trust Fund", and shall remain available for making expenditures subject to appropriations action to carry out the purposes of the Anti-Drug Abuse Act of 1988, as provided by appropriations Acts.

(g) EFFECTIVE DATES.—

(1) AMENDMENTS.—The amendments made by subsections (a)(1), (b), (c), and (d) shall apply to cigarettes, distilled spirits, wine and beer removed after August 31, 1989, and before January 1, 1992.

(2) OTHER PROVISIONS.—Subsections (a)(2), (e), and (f) shall take effect on the date of the enactment of this Act.

SEC. 2. There is hereby appropriated an additional sum of $1,786,175,000, as follows:

CHAPTER I—DEPARTMENTS OF JUSTICE AND STATE AND THE JUDICIARY

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $15,000,000.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $46,000,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $26,000,000.

GENERAL LEGAL ACTIVITIES ACCOUNT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to be used to increase the number of field attorneys and related support staff used for asset forfeiture and civil enforcement, $3,000,000.

UNITED STATES ATTORNEYS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to be used to increase the number of field attorneys and related support staff used for asset forfeiture and civil enforcement, $3,000,000.

UNITED STATES MARSHALLS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States Prisoners", $6,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $104,000,000, to remain available until expended.

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $13,000,000.

NATIONAL INSTITUTE OF CORRECTIONS

For an additional amount for the National Institute of Corrections, $14,000,000.

OFFICE OF JUSTICE PROGRAMS

MANAGEMENT AND ADMINISTRATION

For an additional amount for management and administration, $8,000,000.

NATIONAL INSTITUTE OF JUSTICE

For an additional amount for the National Institute of Justice, $9,000,000.

BUREAU OF JUSTICE STATISTICS

For an additional amount for the Bureau of Justice Statistics, $10,000,000.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

For an additional amount for the Office of Juvenile Justice and Delinquency Prevention, $20,000,000, as authorized by part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974.

BUREAU OF JUSTICE ASSISTANCE

For an additional amount for the Bureau of Justice Assistance, $127,000,000, of which $125,000,000 shall be available until expended for the Drug Control and System Improvement Grant Program and $2,000,000 shall be available for Regional Information Sharing Systems Grants, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968.

STATE JUSTICE INSTITUTE

For an additional amount for the State Justice Institute, $15,000,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until expended, for expenses authorized by the Anti-Drug Abuse Act of 1988 for development, procurement, and implementation of a machine-readable travel and identity document border security program.

REWARDS FOR INFORMATION CONCERNING NARCOTICS RELATED OFFENSES

For an additional amount for rewards for information concerning narcotics-related offenses, $5,000,000, to remain available until expended.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $18,000,000.

DEFENDER SERVICES

For an additional amount as authorized by law for "Defender services", $14,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", $1,000,000, to remain available until expended.

SECURITY EQUIPMENT

For an additional amount for procurement, installation, and maintenance of security equipment and protective services for the United States Courts, $5,000,000, to remain available until expended.

CHAPTER II—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for substance abuse employee assistance programs in the workplace, $2,000,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for substance abuse prevention and treatment activities as authorized by the Anti-Drug Abuse Act of 1988, $895,000,000.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount to carry out the Drug-Free Schools and Communities Act of 1986, as amended, $11,000,000.

NATIONAL COMMISSION ON DRUG-FREE SCHOOLS

For an additional amount for the National Commission on Drug-Free Schools, as authorized by the Anti-Drug Abuse Act of 1988, $1,000,000.

RELATED AGENCY

ACTION

OPERATING EXPENSES

For an additional amount for substance abuse prevention and education activities as authorized by the Domestic Volunteer Service Act of 1973, $2,000,000, of which up to $200,000 may be used for administrative expenses.

CHAPTER III—DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

For an additional amount for preparing and distributing drug abuse education materials, $10,000,000.

NATIONAL FOREST SERVICE

For an additional amount for Federal law enforcement activities relating to the use and production of narcotics and controlled substances on land administered by the National Forest Service, $10,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

CHAPTER IV—DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $64,000,000 to be available only to increase drug interdiction patrols and other special drug interdiction operations: *Provided,* That such funds shall be available only for fuel, maintenance, spare parts, supplies and materials, and related logistics expenses.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", $100,000,000 to remain available until expended.

FEDERAL HIGHWAY ADMINISTRATION

For an additional amount for "Drunk driving prevention programs", $25,000,000, as authorized by the Drunk Driving Prevention Act of 1988, to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For an additional amount for "Drug recognition expert training", $5,000,000 to establish a regional pilot program for training law enforceemnt officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or 1 or more controlled substances.

CHAPTER V—DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $35,000,000, of which $7,000,000 shall be available for development, procurement, and implementation of a machine-readable travel and identity document border security program.

OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for "Operation and Maintenance, Air Interdiction Program", $51,000,000, to remain available until expended.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

For an additional amount for for the Federal Law Enforcement Training Center, $6,000,000 of which $4,000,000 shall be available only to accommodate the advanced in-service training requirements of the Drug Enforcement Administration that cannot otherwise be met at the Department of Justice training facilities, and $2,000,000 shall be available to increase the level of drug enforcement training for Federal, State, and local law enforcement officers.

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL COMMISSION ON MEASURED RESPONSES TO ACHIEVE A DRUG-FREE AMERICA BY 1995

For an additional amount for the National Commission on Measured Responses to Achieve a Drug-Free America by 1995, $1,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

PRESIDENT'S MEDIA COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION

For an additional amount for the President's Media Commission on Alcohol and Drug Abuse Prevention, $1,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

CHAPTER VI—FOREIGN ASSISTANCE

DEPARTMENT OF STATE

MULTILATERAL ASSISTANCE

For an additional amount for "Multilateral assistance", $3,000,000, as authorized by the International Narcotics Control Act of 1988.

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance", $15,000,000: *Provided,* That such funds shall be available only to provide defense articles to the armed forces of Colombia to support their efforts to combat illicit narcotics production and trafficking.

CHAPTER VII—DEPARTMENTS OF HOUSING AND URBAN DEVELOPMENT AND VETERANS' AFFAIRS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING DRUG ELIMINATION PILOT PROGRAM

For an additional amount for the Public Housing Drug Elimination Pilot Program, $8,200,000, as authorized by the Anti-Drug Abuse Act of 1988, to be available until expended.

DEPARTMENT OF VETERANS' AFFAIRS

DRUG AND ALCOHOL TREATMENT PROGRAMS

For an additional amount for drug and alcohol treatment programs, $16,000,000, of which $15,000,000 shall be available for providing drug and alcohol treatment services to eligible veterans with alcohol or drug dependence or abuse disabilities, and $1,000,000 shall be available for an evaluation of drug and alcohol treatment programs operated by the Department of Veterans' Affairs.

CHAPTER VIII—DEPARTMENT OF THE INTERIOR

INDIAN HEALTH SERVICES

For an additional amount for Indian alcohol and substance abuse prevention and treatment, $30,000,000, as authorized by the Anti-Drug Abuse Act of 1988.

BUREAU OF LAND MANAGEMENT

For an additional amount for Federal law enforcement activities relating to the use and production of narcotics and controlled substances on Bureau of Land Management public lands, $2,000,000, as authorized by the Bureau of Land Management Drug Enforcement Supplemental Authority Act.

NATIONAL PARK SERVICE

For an additional amount for Federal law enforcement activities relating to the use and production of narcotics and controlled substances in National Park System units, $3,000,000, as authorized by the Anti-Drug Abuse Act of 1986.

INSULAR AREAS

For an additional amount to carry out the United States Insular Areas Drug Abuse Act of 1986, $13,975,000, of which $350,000 shall be available for grants to the Government of American Samoa, $500,000 shall be available to provide the Government of American Samoa with a vessel to be used in the enforcement of narcotics and other laws, $500,000 shall be available for grants to the Government of Guam to carry out the purposes of such Act in accordance with a plan approved by the Secretary of the Interior, $500,000 shall be available for grants to the Government of Guam for drug abuse law enforcement equipment, $125,000 shall be available for grants to the Government of the Northern Marianas Islands, $7,000,000 shall be available for grants to the Government of Puerto Rico, $2,000,000 shall be available for grants to the Government of the Virgin Islands to carry out the purposes of such Act in accordance with a plan approved by the Secretary of the Interior, $2,500,000 shall be available for a grant to the Government of the Virgin Islands for a substance abuse facility, and $500,000 shall be available for grants to the Government of Palau.

VETERANS BENEFITS AND HEALTH CARE ACT

CRANSTON (AND OTHERS) AMENDMENT NO. 124

(Ordered referred to the Committee on Veterans' Affairs.)

Mr. CRANSTON (for himself, Mr. MATSUNAGA, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, and Mr. GRAHAM) submitted an amendment intended to be proposed to the bill (S. 13) to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors, to increase the allowances paid to disabled veterans pursuing rehabilitation programs and to the dependents and survivors of certain disabled veterans pursuing programs of education, and to improve various programs of benefits and health-care

services for veterans; and for other purposes, as follows:

On page 19, strike out lines 8 through 21 and insert in lieu thereof the following:

SEC. 212. COMPENSATED WORK THERAPY PROGRAM.

(a) AUTHORIZED SOURCES FOR PROVISION OF THERAPEUTIC WORK.—Subsection (b)(1) of section 618 is amended by striking out "contractual arrangements with private industry or other sources outside the Veterans' Administration" and inserting in lieu thereof "a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)".

(b) USE OF REVOLVING FUND.—The first sentence of subsection (c)(1) of such section is amended by inserting before the period at the end "(including defraying the costs of travel and related expenses necessary to train employees in the administration of services under such subsection)".

(c) PILOT PROGRAM.—Section 618 is amended by adding at the end the following new subsection:

"(g)(1) During fiscal years 1990–1994, the Secretary shall conduct a pilot program to encourage and participate in the establishment of nonprofit corporations for the purpose of contracting with such nonprofit corporations to conduct compensated work therapy programs at Department of Veterans Affairs medical centers operating such programs.

"(2) The Secretary may enter into not more than 25 contracts with nonprofit corporations under the pilot program.

"(3) The Secretary may enter into a contract with a nonprofit corporation under the pilot program only if the corporation provides assurances satisfactory to the Secretary that it will operate a therapeutic residence for eligible veterans in connection with an existing compensated work therapy program at the medical center involved. The contract may remain in effect only as long as the corporation operates such a therapeutic residence for eligible veterans in connection with the pilot program.

"(4) A contract with a nonprofit corporation under this subsection may provide for the Secretary, as partial payment under the contract, to furnish the corporation inkind services, including—

"(A) technical and clinical advice;

"(B) supervision of the activities of compensated work therapy participants in the rehabilitation of any property for use as a therapeutic residence under the contract and for possible later sale as a private residence; and

"(C) minor maintenance of and minor repairs to such a therapeutic residence.

"(5)(A) In order to assist a nonprofit corporation to purchase or lease any real property for the purpose of operating a therapeutic residence under the pilot program, the Secretary may—

"(i) make advance payments to the corporation;

"(ii) lend the corporation up to the maximum amount specified in subparagraph (D) of this subsection; or

"(iii) both.

"(B) Advance payments and loans authorized by this paragraph may be paid out of sums in the fund.

"(C) Sums received by a nonprofit corporation as advance payments or loans pursuant to this paragraph may be used only for the purchase or lease of real property for use as a therapeutic residence pursuant to the pilot program, except that advance payments may also be used for the operation of such a residence.

"(D) The amount of a loan under this subsection may not exceed—

"(i) in the case of a purchase of real property for such use, the amount equal to 25 percent of the purchase price; or

"(ii) in the case of a lease of real property for such use, the amount of the rent for one year.

"(E) A loan made to a nonprofit corporation under this paragraph shall be repaid within five years after the date on which the nonprofit corporation first accepts eligible veterans to reside in a therapeutic residence purchased or leased with the funds loaned to the corporation.

"(6) In the case of each nonprofit corporation to which an advance payment or loan is made under paragraph (5) of this subsection for the purchase of real property, the pilot program contract with such corporation shall include a provision that requires the corporation—

"(A) to sell the real property if the corporation does not operate or ceases to operate a therapeutic residence on that property.

"(B) in the case of an advance payment or advance payments, to pay the fund the amount equal to the excess, if any, of the total amount advanced to the corporation over the amount of the accrued obligation of the Department of Veterans Affairs to the corporation under the contract;

"(C) in the case of a loan, to pay the fund the sum of the unpaid balance of the loan and the amount equal to 50 percent of the excess, if any, of the sale price over the total amount paid by the corporation for the purchase and improvement of such real property; and

"(D) to use the proceeds of the sale of the property to pay, to the extent of the proceeds, the obligations imposed by clauses (B) and (C) of this paragraph.

"(7)(A) The Secretary shall deposit in escrow any sums to be advanced or loaned to a nonprofit corporation by the Department of Veterans Affairs under paragraph (5) of this subsection until the corporation demonstrates to the satisfaction of the Secretary that at least 25 percent of the net annual operating expenses of the corporation will be paid out of funds obtained from sources other than the Department of Veterans Affairs or will be satisfied by in-kind services obtained from such sources, or both. For the purpose of this subparagraph, the term 'net annual operating expenses' means the amount equal to the excess of the estimates amount of the annual expenses of operating the therapeutic residence or therapeutic residences to be acquired or operated with such escrow sums ovr the estimated annual rental income from eligible veterans residing in such residence or residences.

"(B) If, in the case of a corporation for which any amount is held in escrow pursuant to subparagraph (A) of this paragraph in connection with a contract awarded under the pilot program, the corporation fails to meet the requirements of such subparagraph within 18 months after the award of that contract, the corporation shall forfeit all rights to the amount so held in escrow, the escrow shall be terminated, and that amount shall be credited to the fund.

"(8) The Secretary may transfer to the fund from the General Post Fund of a Department of Veterans Affairs medical center benefiting from the operation of a therapeutic residence by a nonprofit corporation in connection with the pilot program such amount as the Secretary considers necessary to make any advance payments and loans to such corporation under subparagraph (5) of this subsection.

"(9)(A) Subject to subparagraph (B) of this paragraph, the Secretary shall transfer to the Veterans Health Services and Research Administration not less than 10 residences acquired by the Department of Veterans Affairs in the administration of chapter 37 of this title.

"(B) Each property so transferred under this paragraph—

"(i) shall be located in an area suitable for meeting the need of the Department for a therapeutic residence under the pilot program; and

"(ii) shall be leased, in accordance with subparagraph (C) of this paragraph, to a nonprofit corporation for operation as a therapeutic residence under the pilot program.

"(C) A lease of property under this paragraph shall—

"(i) provide for a lease period of not less than one and not more than three years and may include one or more options for renewal at the option of both parties for up to three additional years;

"(ii) require that the property be operated as a therapeutic residence during the lease period;

"(iii) require the lessee to pay to the medical center benefiting from the operation of such therapeutic residence 60 percent of the rent received each month during the lease period from eligible veterans residing in a therapeutic residence on such property.

"(iv) provide for return of the property to the Secretary upon termination of the lease; and

"(v) include such other terms and conditions, consistent with this subsection, as the Secretary considers appropriate for protection of the interests of the United States.

"(10) The director of a medical center shall hold the sums received pursuant to paragraph (9)(C)(iii) of this subsection until such sums are transferred pursuant to this paragraph. The Secretary shall periodically transfer such sums to the Loan Guaranty Revolving Fund established by section 1824 of this title. The Secretary, in consultation with the Secretary of the Treasury, shall prescribe regulations to carry out this paragraph.

"(11) In the case of a nonprofit corporation that, on September 30, 1989, is conducting a compensated work therapy program pursuant to a contract awarded by the Department of Veterans Affairs, the operations of such corporation not covered by a contract awarded under the pilot program shall not be affected by the provisions of this subsection.

"(12) In-kind services furnished to a nonprofit corporation by the Department of Veterans Affairs under the pilot program shall be considered as part of a passthrough account under the Department's resource allocation methodology.

"(13)(A) Any nonprofit corporation established to operate a therapeutic residence or therapeutic residences under the pilot program shall be established in accordance with the nonprofit corporation laws of the State or States in which the therapeutic residence or residences are to be operated and shall, to the extent not inconsistent with any Federal law, be subject to the laws of such State or States, as the case may be.

"(B) A nonprofit corporation participating in the pilot program shall be established

solely for the purpose of conducting one or more compensated work therapy programs and operating therapeutic residences in conjunction with such programs.

"(C) Except as otherwise provided in this paragraph or under regulations prescribed by the Secretary, a nonprofit corporation participating in the pilot program, and its directors and employees, shall be required to comply only with those Federal laws, regulations, and executive orders and directives which apply generally to private nonprofit corporations.

"(D) The board of directors of each nonprofit corporation participating in the pilot program shall include employees of the Department, but the total number of such employees on the board must be less than one-half of the total number of directors. An employee of the Department of Veterans Affairs directly responsible for the conduct of compensated work therapy programs at the medical center benefiting from the operation of a therapeutic residence by the corporation shall be a member of the board.

"(E) A nonprofit corporation participating in the pilot program may—

"(i) accept gifts and grants from, and enter into contracts with, individuals and public and private entities solely to carry out the purpose specified in subparagraph (B) of this subsection;

"(ii) employ such employees as it considers necessary for such purpose and fix the compensation of such employees; and

"(iii) in the discretion of the corporation board of directors, transfer gifts and grants accepted under clause (i) of this subparagraph to the fund.

"(F) The records of a nonprofit corporation participating in the pilot program shall be available to the Secretary.

"(G) For the purposes of sections 4(a)(1) and 6(a)(1) of the Inspector General Act of 1978, the programs and operations of such a nonprofit corporation shall be considered to be programs and operations of the Department with respect to which the Inspector General of the Department has responsibilities under such Act.

"(H) Such a nonprofit corporation shall be considered an agency for the purposes of section 716 of title 31 (relating to availability of information and inspection of records by the Comptroller General).

"(I) Each such nonprofit corporation shall submit to the Secretary an annual report providing a detailed statement of its operations, activities, and accomplishments during that year. The corporation shall obtain a report of independent auditors concerning the receipts and expenditures of funds by the corporation during that year and shall include that report in the corporation's report to the Secretary for that year.

"(J) Each member of the board of directors of a non-profit corporation participating in the pilot program, each employee of such a corporation, and each employee of the Department involved in the functions of the corporation during any year—

"(i) shall, with respect to such functions, be subject to Federal laws and regulations applicable to Federal employees with respect to conflicts of interest in the performance of official functions; and

"(ii) shall, with respect to such functions, submit to the Secretary an annual statement signed by the director or employee certifying that the director or employee is aware of, and has complied with, such laws and regulations in the same manner as is required of Federal employees.

"(K) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the number and locations of nonprofit corporations participating in the pilot program and the amount paid by the Secretary to each such corporation under the pilot program.

"(12) Not later than February 1, 1994, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience under the pilot program. The report shall include such recommendations as the Secretary considers appropriate.

"(13) For the purposes of this subsection—

"(A) the term 'nonprofit corporation' means a corporation recognized as an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(B) the term 'eligible veteran' means a veteran eligible to receive therapeutic and rehabilitative services under this section;

"(C) the term 'therapeutic residence' means a residential facility in which eligible veterans may reside while participating in a compensated work therapy program conducted pursuant to this section and includes real property associated with such facility; and

"(D) the term 'existing compensated work therapy program' means a compensated work therapy program that is being conducted under this section by a Department of Veterans Affairs medical center on the date of the enactment of the Veterans Benefits and Health Care Act of 1989.".

AMENDMENT NO. 124: COMPENSATED WORK THERAPY ENHANCEMENT AND EXPANSION

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, it gives me pleasure to submit, along with my distinguished colleagues on the committee, Senators MATSUNAGA, DECONCINI, MITCHELL, ROCKEFELLER, and GRAHAM, an amendment to section 212 of S. 13. Our amendment would establish a 5-year pilot program to expand and enhance VA compensated-work-therapy [CWT] programs. This pilot program would provide for testing, at up to 25 sites, an innovative approach to providing veteran-patients—primarily those recovering from mental disabilities or drug or alcohol conditions—with the services to help them make the transition from inpatient care to independent living in the community.

Under the pilot program, VA would help to create nonprofit corporations with which it would contract to conduct CWT programs—structured job opportunities, under section 618 of title 38, arranged under contracts with private businesses—and to which it could make loans to facilitate the corporation setting up therapeutic residences [TR's] providing relatively independent group-living arrangements. In order to be eligible to receive a CWT contract under this program, the corporation would have to run a TR. These CWT/TR programs would provide work therapy during the day and supervised living experience at night.

By encouraging nonprofit corporations to get involved in this endeavor, VA can enhance and improve the services available to meet the needs of those veterans without further enlarging its own health care mission and directing any significant resources away from a system that is already dealing with a very serious fiscal crisis.

SUMMARY OF PROVISIONS

Mr. President, our amendment contains provisions which would:

First, require, in a 5-year pilot program limited to not more than 25 sites, VA to promote and participate in the establishment of nonprofit corporations with which VA would contract to run CWT programs as long as the nonprofit has made a commitment to, and actually runs, a TR.

Second, authorize VA to make an interest-free loan—repayable within 5 years—to the nonprofit corporation in the amount of either 25 percent of the purchase price for the TR or the total of the first year's rent it would pay for leasing a structure for that purpose; and provide that if the nonprofit were to sell the TR, the proceeds of the sale would be required to be used to repay the unpaid balance of the loan and to pay VA 50 percent of any profit realized from the sale.

Third, authorize VA to make advance payments, under the nonprofit corporation's contract with VA to run a CWT program, from the Special Therapeutic and Rehabilitation Activities Fund [STRAF] by making those funds available in a special escrow account set up in the STRAF for up to 18 months; to disburse such funds from the escrow account to the nonprofit upon its demonstrating to VA's satisfaction that at least 25 percent of its annual operating expenses for running the TR—over and above the expenses anticipated to be paid from VA patients' rental payments—would be paid from non-VA sources—either in cash or in in-kind services.

Fourth, authorize VA, as part of the VA payment to the nonprofit for the running of a CWT program in conjunction with a TR, to provide in-kind services—including technical and clinical expertise, building-rehabilitation supervision, and minor maintenance and repairs to the residence—to the nonprofit corporation; and provide that services would be considered as "pass through" expenses and accordingly, would not be subject to adjustment by the VA's Resources Allocation Methodology—a methodology VA uses in allocating funding to its health care facilities.

Fifth, authorize the nonprofit corporation to use the funds advanced to it by VA under the CWT contract to assist the corporation to acquire and operate a TR; and require the corporation, when it ceases to operate the TR, to return to the STRAF, out of the proceeds from the sale of the property, any amount it owes to VA under the CWT contract with the VA plus,

as I have previously indicated, 50 percent of any profits from such sale.

Sixth, authorize VA to transfer from the General Post Fund at the medical center involved to the STRAF the funds necessary for any loan or advance payment, or both, to be made to the nonprofit corporation in connection with the pilot program at that center.

Seventh, direct the Secretary, in administering chapter 37 of title 38, the VA Home-Loan Guaranty Program, to transfer not less than 10 properties acquired by VA under that chapter to the Veterans Health Services and Research Administration (VHS&RA) for VHS&RA to lease the properties to nonprofit corporations which have CWT contracts and agree to use the properties as TRs for terms of 1 to 3 years, with renewal options permissible for up to another 3 years; require the nonprofit corporation to pay 60 percent of the rent collected from veteran residents to the medical center for subsequent transfer into the Loan Guaranty Revolving Fund; and require the corporation, upon termination of the lease, to return the property to the Secretary for disposition in accordance with loan program procedures.

Eighth, direct that any existing nonprofit corporation carrying out a CWT program be grandfathered in its CWT operations without regard to the provisions in the bill.

Ninth, provide for the structure of the CWT/TR nonprofit corporations to be similar to that of the research nonprofit corporations, which are currently authorized in subchapter VI of chapter 73 of title 38, in terms of their general powers, the structure of their boards of directors—but limit VA employees to being a minority of board members—the applicability of State law, accountability, oversight, and authority to accept gifts or grants.

Tenth, provide that the pilot program may be conducted only at VA Medical Centers that have existing CWT programs.

BACKGROUND

Mr. President, as I discussed in my January 25 introductory statement of S. 13—CONGRESSIONAL RECORD, page S234—CWT programs provide at a low cost to the Government numerous therapeutic benefits to VA patients in a work setting. CWT programs involve the use of work subcontracted and paid for by businesses with wages generated through the work contracts and generally paid on a piecework basis. The jobs vary greatly, from simple packaging to fabrications and assembly operation using complex machinery, and take place in VA medical centers, in the community, or on industrial sites. Not only do these programs provide a clinical procedure for evaluating the patient's vocational or avocational interests, aptitudes, and skills, but they also provide a method for assessing the patient's physical and mental capacities for work in actual work situations. CWT programs also encourage the development of good work habits by emphasizing attendance, reliability, punctuality, productivity, craftsmanship, and personal responsibility. In essence, individuals working in CWT programs gain a sense of being productive while developing important work skills.

Mr. President, I have long had a strong interest in and involvement with the CWT program. In 1976, I authored legislation enacted into law, in section 105 of Public Law 94-581, that revised section 618 of title 38 to clarify the statutory authority for the CWT program. In the absence of specific authority, these programs had been carried out since the late 1930's pursuant to VA's general health care authority in chapter 17 of title 38 and VA's general contract authority in section 213. A key component in CWT programs at a number of VA medical facilities were nonprofit corporations which VA employees created for the purpose of operating CWT programs. However, a 1973 VA general counsel's opinion concluded that such nonprofit corporations violated a general government-wide prohibition against Federal agencies' establishing corporations to conduct government business. The express authority provided in Public Law 94-581 for VA itself to conduct CWT programs eliminated the need to establish nonprofit corporations to do so. Recognizing, however, that many nonprofit corporations had done good work in operating CWT programs, Congress authorized VA in that law to contract with nonprofit corporations for the establishment and conduct of the programs. It did not, however, exempt VA from the operation of the Government Corporation Control Act—31 U.S.C. 9102—which continues to permit Government agencies to form corporations to do Government business only under a law specifically authorizing such action.

Subsequently, in 1984, VA undertook enforcement of an interpretation of the need-based, non-service-connected VA pension law—chapter 15 of title 38—under which a CWT participant's pension was reduced dollar-for-dollar by the amount earned in a CWT program. To eliminate that interpretation's adverse effect on participation in the program, I authored a provision, initially passed by the Senate in 1984 and finally enacted in section 601 of Public Law 99-576 on October 28, 1986, which exempted CWT payments from countable income under the pension program. Subsequently, participation in the CWT programs improved.

In 1987, I authored legislation, enacted in section 411 of Public Law 100-322 on May 29, 1988, to return to the STRAF the $100,000 which, under a surprising interpretation of the Gramm-Rudman-Hollings law, had been taken from the STRAF as a part of the fiscal year 1986 sequestration. Earlier, in section 601 of Public Law 99-576, Congress had enacted on October 28, 1986, a provision I proposed to provide a permanent exemption of the STRAF from sequestration beginning in fiscal year 1986.

Mr. President, CWT programs have grown substantially since the 1976 legislation was enacted. In fiscal year 1976, approximately 2,000 patients were engaged in the program at 52 VA health care facilities. In fiscal year 1988, CWT programs provided work for 5,632 veterans in 45 programs through contracts with businesses paying out over $3 million. Patients worked 836,438 hours and were paid a total of $1,879,602. Approximately 40 percent of the program participants were outpatients, and almost all—approximately 90 percent—were either psychiatric or substance-abuse patients.

As fiscal year 1988 drew to a close, it became apparent that further expansion of the CWT programs was being hampered by restrictions on contracting sources and a lack of funding for training, travel, and other necessary management operations.

Mr. President, to address specifically these roadblocks to further growth of the CWT programs, on January 25, 1989, I introduced, in section 212 of S. 13, provisions to modify the existing authority in section 618 so as to (a) allow such programs to contract with Government entities, including VA, as well as with private industry sources as specified in current law, for the work that the patients do, and (b) to allow funds from the STRAF to be used for training and related management functions, including travel, necessary for the operation of the CWT programs. Since these provisions appear to have broad support and I am unaware of any opposition to them, and Mr. MONTGOMERY has introduced similar provisions in section 203 of H.R. 901, it seems highly likely that these provisions will be enacted.

At the time of introducing S. 13, I had underway work on legislation to test ways of expanding the CWT program through projects operated in conjunction with TR's.

JUSTIFICATION FOR THE BILL

Mr. President, it has become apparent that the psychiatric and substance abuse patients—both inpatient and outpatient—in CWT programs would benefit from the availability of a transitional living environment between the hospital and a return to fully independent living in the community. Therapeutic residences in combination with CWT programs can provide such a step—supervision during the day while working in CWT and at night while at the TR.

Mr. President, I strongly believe that the best method for VA at present to develop this treatment modality is to authorize VA to promote and participate in the creation of nonprofit corporations with boards of directors consisting of community members and a minority of VA employees. Our legislation recognizes supervised transitional housing coupled with a therapeutic work environment as an advantageous treatment model, but, in view of the current enormous fiscal constraints confronting VA, avoids imposing on VA direct responsibility for running TR's. Rather, the legislation would establish a pilot program under which VA could provide a boost to nonprofit corporations in the form of (a) an interest-free, up-to-5-year loan in the amount of 25 percent of the purchase price or, if the property for the TR is to be leased, the total of 1 year's rent for the property; (b) an advance on the contract to run a CWT program in a TR; (c) making available residences from foreclosed properties under the VA loan guaranty program; and (d) in-kind services from VA employees—designed to facilitate and encourage nonprofit corporations to provide a therapeutic transitional step for psychiatric and substance abuse patients. Another important aspect of the legislation, given the Federal fiscal crunch and the community-based nature of the TR's, is that the nonprofit corporation would be required to tap into local, State, and Federal resources to enable it to further the goal of acquiring a TR and running a CWT program. Specifically, it would have to commit itself to develop, and then develop, within 18 months after the VA contract is entered into, from such sources, in cash or in kind, 25 percent of the annual cost of running the TR.

I envision the program working as follows: Once VA employees perceive, or are able to develop, an interest in the community in providing transitional housing and appropriate therapeutic work opportunities for chronically mentally ill veteran patients or veteran patients with substance abuse problems, they would join with the interested individuals from the community—some or most of whom very likely would be members of veterans service organizations—to form a nonprofit corporation. The goal of this nonprofit corporation would be to run a CWT program for veterans in conjunction with establishing and running a therapeutic residence. The responsibility for the project would be with the nonprofit corporation; the VA would be supportive in tangible and promotional ways.

As discussed briefly above, to help the nonprofit initially fund the project, including the purchasing of housing where VA foreclosed housing is not available, VA would be authorized to make an interest-free loan to the nonprofit for a term of up to 5 years in the amount of either 25 percent of the purchase price or the total of 1 year's rent where the property is to be leased. Additionally, VA would be authorized to make advance payments to the nonprofit under the contract under which the nonprofit had promised to conduct a CWT Program in conjunction with running a TR.

The money for the loan and contract advance payment would come from the STRAF, after being transferred there from the General Post Fund. I understand that nationwide, the Post Fund currently has over $1 million in cash on hand, nearly $26 million in cash investments, and approximately $9.8 million in donated property. These figures do not include funds specifically earmarked for special projects, which I would anticipate may grow with funds earmarked for this program once it is enacted and publicized. With housing costs generally ranging between $25,000 and $150,000—VA's portion would correspondingly range between $6,250 and $37,500—the cost to the Post Fund for the loans for a maximum of 15 properties at an average of $20,000 per property would be $300,000. The amount to be paid by VA on the contract for the nonprofit to run a CWT program in conjunction with a TR likely would vary widely from program to program. I look forward to hearing testimony to shed light on this issue.

I understand that it can be very difficult for an interested nonprofit corporation to get initial funding from community, State, or Federal sources because each potential source wants to be sure that the nonprofit will be able to get off the ground and accomplish its mission, and many are hesitant to be the first to commit resources to a new venture. To help overcome this potential obstacle, our legislation would provide that VA may make a loan, as described above, and an advance payment under the contract, with the funds being held in a special STRAF escrow account for up to 18 months. The availability of this funding—in essence operating like a letter of credit—should inspire confidence from other potential sources and ease the startup burden on the nonprofit corporation. Before the money is released from the escrow account to the nonprofit, the corporation must be able to demonstrate to the VA facility that it has sufficient non-VA funding, in either cash or in in-kind services, to cover 25 percent of its annual operating expenses for running the TR—over and above the expenses anticipated to be paid by VA patients in rental payments.

In order to assist nonprofit corporations to acquire housing in another fashion, this legislation would direct the Secretary to transfer to VHS&RA not less than 10 properties acquired under the loan guaranty program upon a veteran's default and located in suitable areas—that is, areas in which VA has contracted or intends to contract with a nonprofit to provide a CWT Program in conjunction with a TR. VHS&RA would then lease these properties to nonprofit corporations to be utilized as TR's for terms of from 1 to 3 years, with renewal options. The nonprofit would be required to pay 60 percent of the rent collected from patients at the TR to the medical center for subsequent periodic transfer by the Secretary to the Loan Guaranty Revolving Fund [LGRF]. I understand that rents at most properties would average $200 for each of six individuals, equaling a total yearly rent of $14,400. Accordingly, payment to the LGRF would be approximately $8,640 per property per year. Upon termination of the lease, the property would be returned to the Secretary to be disposed of under regular loan program procedures.

VA would also be authorized to provide payment under the CWT contract in the form of in-kind services to the nonprofit. These services would likely be essential to ensure that the nonprofit has the clinical expertise necessary to run both the CWT program and the therapeutic aspect of the residence. Additionally, VA would be authorized to utilize its personnel to carry out minor maintenance and repairs to the TR.

When the nonprofit ceases to operate a residence as a TR, the nonprofit would be required to sell the TR and return to VA any funds that were advanced to and not yet earned by the nonprofit under the contract and, in the case of a loan, the unpaid balance of the loan. Additionally, if the nonprofit were to realize profit from the sale of the TR, VA would be entitled to 50 percent of the profit. While this profit-sharing provision would not penalize any nonprofit that did not make a profit in the sale of the TR, it would provide a mechanism for VA to realize a return on its interest-free loan.

This nonprofit model is not without precedent. At the Menlo Park division of the Palo Alto VA Medical Center, the very capable and creative Chief of Staff, Dr. Mark Graeber, has been working for many years with a nonprofit corporation, which currently runs several therapeutic residences. Through the work of the nonprofit, and the contributions of in-kind services from VA staff, over 400 veterans have been helped since 1968. It is this kind of success that I hope this pilot program will engender, and I encourage those who undertake programs pursuant to this pilot program to utilize the Menlo Park staff as a resource for advice and information.

IMPORTANCE OF NONPROFIT MODEL

Mr. President, there are several reasons why I strongly prefer the nonprofit model over one involving direct VA operation of the CWT/TR programs. First, I believe that VA has enough on its agenda at this point without broadening its health care mission. In connection with this, I believe that, at a time in which the basic system is struggling to continue and facing enormous fiscal and personnel recruitment and retention pressures, it would be unwise to direct any new or existing appropriations into a new program that is not a part of direct health care and is not directed toward solving VHS&RA's urgent recruitment and retention problems. Additionally, I see this type of CWT/TR program as a particularly appropriate undertaking for a private sector entity—especially with the encouragement from VA that is provided for in the legislation—which can operate with far more freedom and flexibility than a government department.

Another reason for utilizing the nonprofit model over a direct VA-run TR is the issue of Federal liability for a TR located off VA grounds which does not have direct VA supervision on a 24-hour basis. This can be an important factor since part of the clinical aspect of the therapeutic residence may require giving patients sufficient independence to learn and grow and emerge from direct supervision of others; I believe this can happen more easily outside a government-run entity.

CONCLUSION

Mr. President, I am pleased to continue my 13-year efforts to promote and enhance the CWT program. The amendment we are submitting would provide for VA to conduct a pilot program to help nonprofit corporations provide a useful and important service to veterans—to assist in their transition back into independent living—without imposing on VA an expansion of its health care responsibilities. This legislation will be included in the subject matter on the agenda for the committee's hearing on June 14, 1989, on various mental health measures and other matters. I look forward to hearing the testimony regarding these provisions and to perfecting this innovative approach to helping those veterans who clearly need and deserve more of our help—those with mental disabilities and substance abuse problems.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1989

DeCONCINI (AND OTHERS) AMENDMENT NO. 125

Mr. DeCONCINI (for himself, Mr. HELMS, Mr. GRAHAM, Mr. SYMMS, Mr. HATCH, and Mr. McCAIN) proposed an amendment, which was subsequently modified, to the bill H.R. 2072, supra, as follows:

Before the period at the end of the committee amendment ending on line 4 of page 54, insert the following:

: *Provided further,* That $26,000,000 of such amount shall be made available upon enactment for contribution with respect to implemenation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988 (hereafter known as the Tripartite Agreement) only if the President determines and certifies to the appropriate Congressional committees that—(1) all armed forces of the South West Africa People's Organization (SWAPO) have left Namibia and returned north of the 16th parallel in Angola in compliance with the agreements, (2) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date, and (3) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date;

Provided further, That an additional $51,900,000 of such amounts may be made available after September 1, 1989, for implementation of the Triparite Ageeement only if, no later than August 20, the President has determined and certified to the appropriate congressional committees that—(1) each of the signatories to the Triparite Agreement is in compliance with its obligations under the Agreement, (2) the government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), specifically with respect to its obligations as of August 1, 1989, (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have terminated all funding and other support to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations;

Provided further, That funding of these activities by the United States may not be construed as constituting recognition of any government in Angola; and

Provided further, That the term "Bilateral Agreement" means the Agreement Between the Governments of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United States on December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988;

Provided further, That the term "appropriate Congressional committees" means the Committees on Appropriations, Foreign Affairs, and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and the Select Committee on Intelligence of the Senate; and

Provided further, That the Secretary of the Treasury shall instruct the United States Executive Directors to the International Monetary Fund and the International Bank for Reconstruction and Development (also known as the "World Bank") to vote in opposition to the entry of the government of Angola into these financial institutions or to approve any loans to Angola.

Provided further, That it is the sense of the Senate that (1) the United States should vigorously promote direct talks between the leaders of Union for the Total Independence of Angola (UNITA) and the Movement for the Popular Liberation of Angola (MPLA) to achieve an agreed process of national reconciliation among Angolans, (2) the United States should provide appropriate and effective assistance to UNITA until a national reconciliation agreement has been implemented, (3) in the context of a negotiated settlement of the civil war and national reconciliation in Angola, the President should consider (a) the provision of humanitarian assistance to help the Angolan people to reconstruct their war-damaged economy, resettle displaced persons and refugees, reduce hunger and malnourishment, and otherwise recover from the injuries inflicted by their lengthy civil war and the foreign intervention it had invited, and (b) the establishment of diplomatic relations with a new Angolan Government, and (4) the United States should continue its policy of refusing to recognize a government in Angola until a national reconciliaiton agreement has been implemented.

DOLE AMENDMENT NO. 126

Mr. HATFIELD (for Mr. DOLE) proposed an amendment to the bill H.R. 2072 supra, as follows:

On page 27, line 10, before the period add the following:

"*Provided further,* That of this amount, $275,000,000 shall be transferred to the Cooperative State Research Service to be paid to the Kansas Agricultural Research Experiment Station at Kansas State University for the purposes of disseminating information to farmers on methods of alleviating drought problems and exploring improved water conservation techniques".

KASTEN AMENDMENT NO. 127

Mr. KASTEN proposed an amendment to the bill H.R. 2072, supra, as follows:

On page 12, between lines 13 and 14 insert the following:

GENERAL PROVISIONS

SEC. . The Congress finds that failing to recognize natural resource depletion causes current systems of economic statistics to provide a distorted representation of many nation's economic condition.

(a) The Secretary of State shall instruct the U.S. representative to the Organization for Economic Cooperation and Development and to the United Nations and it's appropriate affiliated organizations to seek revisions in the manner in which these organizations report the income and economic activities of nations. Such a system of accounting shall recognize the depletion or degradation of natural resources as a component of economic activities.

(b) The Secretary of the Treasury shall instruct the U.S. Executive Director to each Multilateral Development Bank and to the International Monetary Fund to seek the adoption of revisions in accounting systems as described in section A.

(c) The Administrator of the Agency for International Development shall incorporate the changes described in section A into AID's evaluations and projections of the economic performance of borrowing countries.

ROCKEFELLER AMENDMENT NO. 128

Mr. BYRD (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . EXEMPTION PROVIDED FOR NATIONAL COMMISSION ON CHILDREN FROM CERTAIN PROVISIONS OF TITLE 5.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9) is amended by striking subsection (f) and inserting in lieu thereof the following new subsection:

"(f)(1) The Commission shall appoint an Executive Director of the Commission. In addition to the Executive Director, the Commission may appoint and fix the compensation of such personnel as it deems advisable. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, that govern appointments in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title that relate to classifications and the General Schedule pay rates.

"(2) The Commission may procure such temporary and intermittent services of consultants under section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission."

BUMPERS AMENDMENT NO. 129

Mr. BUMPERS proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. . Section 631(b)(1) of title 28, United States Code, is amended by inserting "or has served as a full-time magistrate for at least eight years," immediately after "he is a member in good standing of the bar of the highest court of the state in which he is to serve,".

LEVIN AMENDMENT NO. 130

Mr. LEVIN proposed an amendment to the bill H.R. 2072, supra, as follows:

At the appropriate place in the bill, insert the following new section.

SEC. . It is the sense of the Senate that the Secretary of Transportation should conduct a review of the potential impact of highly leveraged acquisitions of control of U.S. air carriers. The potential impacts to be addressed in such review should include the effects of increased expenses associated with increased debt on carriers' ability to:

(i) modernize their fleets,

(ii) make necessary expenditures for maintenance,

(iii) survive economic downturns (and the effect on competition among air carriers if some do not survive),

(iv) provide small community service,

(v) compete internationally against foreign airlines,

(vi) make and/or keep the financial commitments to airport projects necessary to expand capacity and improve safety, and meet the future needs of their employees with regard to such matters as salaries, benefits, pensions, and job security and growth.

Pursuant to the conclusions of such review, the Secretary should make a report to the Congress and include in such report an assessment with respect to any major air carrier that is the object of a highly leveraged buy-out.

WALLOP AMENDMENT NOS. 131 AND 132

(Ordered to lie on the table.)

Mr. WALLOP submitted two amendments intended to be proposed by him to the bill H.R. 2072, supra, as follows:

AMENDMENT No. 131

Provided, That, of the total amount of funds made available to the "Forest Service, National Forest System," not less than $12,400,000 will be available for emergency rehabilitation in fiscal year 1989.

On page 15, line 15, strike "*Provided,* That such funds" and insert "*Provided further,* That such remaining funds".

AMENDMENT No. 132

On page 17, line 11, insert the following: *Provided,* That $2,300,000 of the above amount shall be allocated for a research program to be administered by the University of Wyoming for research to study the effect of the 1988 fires on the area of the Greater Yellowstone Ecological System, to include National Park Service lands, U.S. Forest Service lands, and state and private lands; said research to be conducted by university researchers from across the Nation, chosen on a competitive, peer reviewed basis.

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing Friday, June 9, 1989, in SR-418 at 2 p.m. on veterans' benefits legislation.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on Federal Drug Interdiction: The Role of the Department of Defense.

These hearings will take place on Friday, June 9, 1989, at 10 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanore Hill or John Sopko of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MERCHANT MARINES

Mr. MITCHELL Mr. President, I ask unanimous consent that the Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 1, 1989 at 9:30 a.m. to hold a hearing on proposals to authorize appropriations for the Maritime Administration and the Federal Maritime Commission for fiscal year 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, June 1, 1989, at 9:30 a.m., to continue hearings on oversight of DOD's inadequate use of off-the-shelf items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet on S. 710, S. 711, S. 712, legislation to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of Senate on June 1, 1989, at 9:30 a.m. to hold a hearing on catastrophic care excess surplus.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, June 1, 1989, at 10 a.m. to conduct hearings on S. 566, the National Affordable Housing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Ocean and Water Protection, Committee on Environment and Public Works, be authorized to meet during the session of the

Senate on Thursday, June 1, beginning at 2 p.m., to conduct a hearing to consider legislation to reauthorize appropriations for the Office of Environmental Quality and the National Environmental Policy on International Financing Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, June 1, beginning at 10 a.m., to conduct a hearing on S. 804, a bill to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 1 at 10 a.m. to hold a hearing on United States-Soviet Relations with Ambassador Jeane Kirkpatrick as a witness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, June 1, 1989, at 1 p.m. in open session to receive testimony on the recent U.S. proposal on conventional arms control in Europe and its implications for NATO security.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, June 1, 1989, at 2 p.m. to conduct a hearing on the Displaced Homemakers Training and Economic Self-Sufficiency Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRATULATION TO REAVIS MONTREY AND HOWARD TIMMS

● Mr. BOND. Mr. President, I rise today to call attention to Reavis Montrey and Howard Timms, two outstanding citizens from my home State of Missouri. These two gentlemen from Sunrise Beach, MO, can be considered heroes since saving the life of Doug Diekman. I believe that the courageous act of these two Missourians is noteworthy and should be praised.

Doug Diekman, a victim of multiple sclerosis, is paralyzed. He is alive today because of the quick actions taken by Mr. Montrey and Mr. Timms. Responding to cries of help from Shirley Diekman, these two men entered a burning trailer without a thought for the safety of their own lives. They found Mr. Diekman, unable to rise from his bed, placed him in his wheelchair, and helped him to safety through the flames.

These fellow Missourians were confronted with a freightening and dangerous situation. They responded bravely, not pausing to consider their own safety in order to save another's life. Their actions are highly commendable, and reflect their compassion and courage. It is my pleasure to extend sincere congratulations to Reavis Montrey and Howard Timms for their heroic actions in saving the life of Doug Diekman.●

MISSISSIPPI SEAT BELT COALITION

● Mr. COCHRAN. Mr. President, I rise to pay tribute to the Mississippi Seat Belt Coalition for its work in promoting highway safety awareness.

On May 23, 1989, the Mississippi Seat Belt Coalition was presented the first annual national "Buckle Up America!" Award for its work in sponsoring and producing an 18-minute video promoting the use of seatbelts.

Entitled "Riding With Nothing But the Radio On," the video features Sgt. Pete Collins of the Mississippi Highway Patrol relating his experiences with tragic traffic accidents and urging the use of safety belts. Produced for less than $2,500, the videotape has been distributed to highway safety groups throughout the Nation.

I congratulate the Mississippi Seat Belt Coalition and Sergeant Collins for their inspiring contribution to this effort to save lives on our highways.

I also congratulate the sponsor of the "Buckle Up America!" Award, the American Coalition for Traffic Safety, a nonprofit corporation whose mission is to provide public education about safety belts and other highway safety issues.●

HUMANITARIAN ASSISTANCE IN SUDAN

● Mr. KENNEDY. Mr. President, one of the bright moments in Sudan in recent months on an otherwise bleak landscape has been the international relief effort on behalf of that country's starving population. After months of depriving food from the civilian population, Government and rebel forces finally agreed to allow international food airlifts and convoys to enter the South. And the international community mounted a major relief effort in response. This included Operation Lifeline—the current United Nation coordinated international relief effort—as well as the significant ongoing activities of the U.S. Agency for International Development and voluntary agencies.

While continuing to pursue these urgently needed relief activities, it is also appropriate that we begin to examine some of the lessons drawn from that tragedy. In fact, that debate has already begun in the Horn of Africa. Many are noting that the kinds of cross-border arrangements organized in recent months by the International Committee of the Red Cross and the United Nations should be further formalized as legitimate responses by the international community for people in dire need anywhere in the world.

One such view from Africa recently appeared in the Washington Post by Mr. Abdul Mohammed. Mr. Mohammed has been involved recently in the relief efforts of the Sudan Council of Churches, one of the country's largest private voluntary agency. He offers some important comments on the current relief efforts and additional steps which might now be taken by governments in the region to permit continuing relief efforts.

Mr. President, I ask that Mr. Mohammed's recent piece in the Washington Post be placed at this point in the RECORD.

The article follows:

A LIFELINE FOR SUDAN

There is, at long last, good news from Sudan. Emergency food is being moved, albeit slowly, to the war-ravaged south of that vast country. A repeat of the catastrophic famine that last year claimed the lives of an estimated quarter million people is likely to be averted.

Operation Lifeline Sudan, a joint relief operation of the United Nations, the Sudanese government and the southern rebels, is now transporting thousands of tons of relief food into what last year was a no-go war zone. The good news for the Horn of Africa, however, is not just in trucks, planes and trains full of food. Operation Lifeline has set a precedent of trust in a region scarred by murderous civil war. It has engineered cooperation between combatants who in the past have used food aid as a weapon.

Southern Sudan in the past year has undergone a holocaust of hunger and deprivation. Half of the 5 million people who lived there were displaced. Hundreds of thousands of people sought shelter in government-controlled towns. But they found little security; nor was there much food, medicine or shelter. More than 1.5 million people fled to the north of Sudan, another 300,000 people walked east to Ethiopia.

With the launching of Operation Lifeline, an embattled government and a strong rebel army agreed—for the first time in the history of the region—to allow relief workers relatively unrestricted access to civilians trapped in areas of armed conflict. In April,

the United Nations, private relief agencies and the International Committee for the Red Cross moved more than 45,000 tons of food into the south.

The Sudanese government and rebels of the Sudanese People's Liberation Army have in the past year borne the brunt of international outrage at their use of food as a weapon of war. If they had allowed greater access to the south last year, tens of thousands of innocent civilians, most of them young children and the elderly, would not have died.

While international anger at their behavior was justified, and in many ways useful in pressuring change, the willingness of the government and the rebels to put humanitarian concerns above military tactics deserves praise and encouragement, for the precedent set in southern Sudan is desperately needed elsewhere in the Horn of Africa.

In neighboring Ethiopia, two long-running civil wars cause chronic food shortages. In times of drought, massive food-relief operations are always needed to avert famine. The death of an estimated 1 million people in the 1984–85 famine is bitter testament to the need for emergency outside access to war zones. In nearby Somalia, civil war in the past year has decimated the northern half of the country. Fighting has displaced up to half a million people while spreading hunger, disease and fear to a populace that is largely cut off from outside help.

Part of the credit for Operation Lifeline goes to one man, James Grant, executive director of the United Nation's Children's Fund. After assuming the job as coordinator of the relief effort, Grant personally created, in meetings with the government and the rebels, the atmosphere of trust that led to the free passage of relief food.

The people of northern Sudan also were instrumental in pressuring their government to stop making excuses and begin saving lives. There is robust freedom of expression in Sudan. It encourages the public to protest the inhumanity of war. Prime Minister Sadiq Mahdi was given a clear choice by the Sudanese people: he could act to save southern Sudanese people from starving, or he could step down. The prime minister chose to act.

All this is not to argue that Operation Lifeline is an unqualified success. Monumental logistical problems, red tape and delays caused by armed dissidents other than the SPLA have drastically limited the relief effort's capacity to deliver food. The U.N. operation can be fairly criticized for stepping on the toes of experienced private relief agencies, which should have been consulted rather than preempted.

Operation Lifeline promised to transport 100,000 tons of food before the onset of the rainy season in May. The promise was impossibly optimistic. The relief effort probably will never approach that target.

But the will to solve what six months ago appeared to be an insoluble impasse remains alive in Sudan. Operation Lifeline has established the right of civilans caught up in war to have access to relief aid, as well as the right of outside humanitarian agencies to supply it. Those rights should be insitutionalized in Africa.

It is a sad commentary on the Organization of African Unity—black Africa's principal body for joint action—that it has been a passive spectator to war-caused famine in the Horn of Africa. It played no role in moving food into the southern Sudanese war zone.

The forthcoming annual meeting in Addis Ababa of OAU heads of state in July, however, offers African nations a chance to learn from Operation Lifeline. The neighboring countries of Kenya and Uganda, which cooperated in the U.N. effort, should use the OAU meeting to explain the role they played as collaborators in saving lives. Grant should be invited to address the heads of state on how they can reduce the human cost of the ethnic wars that plague the continent.

Twelve years ago an international protocol that allows the Red Cross access to civil war zones was written in Geneva and ratified by most countries of the world. Countries in the Horn of Africa, however, have refused to sign it. The governments of both Ethiopia and Somalia, along with the rebel armies they are fighting, should be pressured by the OAU to follow the example set by the Khartoum government and the SPLA. And all three countries should be urged to sign the 1977 Geneva protocol, thereby formalizing the principle that underlies Operation Lifeline.

Hope has been wrested from tragedy in southern Sudan. Humanitarian concern outgunned the exigencies of war. This invaluable precedent should not be wasted.●

JAMES SCHLESINGER ARTICLE IN NATO REVIEW ON "PRESERVING THE AMERICAN COMMITMENT"

● Mr. NUNN. Mr. President, former Secretary of Defense James Schlesinger has written an article for the February 1989 issue of the NATO Review that I would like to commend to my colleagues. Dr. Schlesinger speaks from unique experience and expertise in national security and NATO affairs. His article, entitled "Preserving the American Commitment," presents a timely, cogent analysis of the status of the NATO alliance during the current period of international change. At this time of flux in East-West relations, Dr. Schlesinger's analysis of the American commitment to NATO merits our careful attention.

Mr. President, I ask that Dr. Schlesinger's article be inserted into the RECORD immediately following these remarks.

The article follows:

PRESERVING THE AMERICAN COMMITMENT

(By James Schlesinger)

If we are wise, the fortieth anniversary of the signing of the North Atlantic Treaty will be more than an occasion for self-congratulation and the celebration of what has been accomplished in these four decades. This anniversary may and certainly should be a bittersweet affair—an occasion for serious stock-taking. As we celebrate the stunning accomplishments of what unquestionably is the most successful alliance in history, we should simultaneously take cognizance of the grave problems that are looming up for the near future.

The accomplishments are, indeed, stunning. Who would have dreamed in that postwar period—with France and Italy made politically unstable by communist minorities, with Britain gravely weakened by its wartime effort, with Germany still physically devastated, with Berlin under siege, and with Soviet military power on the European continent appearing wholly dominant—that these four short decades later Europe would be reasonably secure and astonishingly prosperous. This new prosperity is in considerable degree the fruit of the Alliance—and, if I may say so, the result of a far-sighted American foreign policy. In these intervening years, Europe has increasingly prospered, her self-confidence has been largely restored, her political cohesion has grown, and the military power of the Alliance has increased to the point that it provides a respectable conventional deterrent to the employment of Soviet military forces.

The Alliance must do more, however, than retell its accomplishments. For one thing, the results of earlier efforts tend simply to be taken for granted. Gratitude in politics has a very short half-life. For another, success tends to be a breeding ground for new and different problems. Such new problems may simply be a reflection of the complacency that success has permitted to grow. Such should be our principal worry for the Alliance today and in the future.

Nonetheless, we should not fall into the error of believing that serious strains within the Alliance are something new. Such strains have marred the Alliance virtually from its inception. One need only recall such traumatic events as Suez, the Skybolt controversy, de Gaulle's explusion of NATO's forces from French soil, or the long apprehension caused by the Mansfield Amendment—to say nothing of the collapse of the European Defence Community, Dulles' threat of an 'agonizing reappraisal', or the untoward European reaction to Kissinger's proposed 'year of Europe'. Given this long history of injured feelings and misunderstandings, one might readily infer that transatlantic relations can normally be counted on to be tempestuous—and therefore conclude that the current strains may safely be disregarded.

MORE DEEP-SEATED DISCONTENTS

I believe that we would be ill-advised to treat the current discontents as simply another example of the passing storms that have from time to time roiled the Alliance. This time there is a difference in quality. The discontents are more deep-seated, and more likely to endure. Perhaps more significantly, they seem to be occurring simultaneously on both sides of the Atlantic. There is a *mutual* disenchantment. I do not believe that it needs to be fatal or even seriously disruptive, but will require prompt attention. It should not be treated in the fashion of the ostrich.

Underlying these discontents are several major developments. First, the internal difficulties of the Soviet Union—combined with the more benign face provided by Mr. Gorbachev—reinforce, for many, the view that the Soviet Union no longer poses a military threat. Second, the United States, for both military and political reasons, no longer appears to many Europeans as effective a protector as it once did. For some Europeans, the American role as protector is no longer necessary, reflecting the altered view of the Soviet Union. For others, the role has become either unsatisfactory or less satisfactory reflecting changes in the military balance and in the power position of the United States. Finally, America's economic capacity to continue to bear its defence burdens appears (perhaps mistakenly) to have diminished.

The result is an underlying discontent. In the United States, reflecting a growing con-

cern about our twin deficits, there is a resentment that a Europe, now grown prosperous, with a population larger than our own, on the verge of economic unity, seems perpetually unwilling to pick up a 'fair share' of the burden for its own defence. (I am merely a messenger reporting these views, not endorsing them.) In Europe, there is (in varying degrees) a resentment of American hectoring, of its insistence that Euorpe spend more, even of America's protentions to leadership. In the Federal Republic of Germany, in particular, a visible restlessness with Germany's role as a training area, as the prey of low-flying military aircraft—in short, as a home for *foreign* armies. All this occurs in the face of a growing disbelief in the reality of the threat against which these forces provide protection. For some, Germany should cease to be an integral part of the Western Alliance and become more of a bridge between East and West. This is the heart of what one might call the romantic illusion of *Ostpolitik.*

IRONIES ABOUND

Nothing, apparently, fails like success. The remarkable change in Soviet behaviour—embraced by such long-time anti-communist luminaries as Margaret Thatcher and Ronald Reagan—reflects not only the clearcut superiority of the Western system in economic and technological peformance, but also the solidity of the Alliance's military posture, which has persuaded the Soviet Union to turn away from threats and intimidation. Indeed, the ironies abound. Despite the tendency on both sides of the Atlantic to question whether the Alliance serves American or European interests as well as in the past, the mutual advantages, which the Alliance provides, are no less than they were in the past. Preserving Western Europe's freedom and independence—long and appropriately the centerpiece of American foreign policy—has, if anything, grown in importance, in light of the recovery and immense expansion of the European economies. For Western Europe, the case is even more clearcut. Continuing American support and protection, initially put forward as a unilateral guarantee, remains the *sine qua non* of European security and political independence.

Until such time as Europe truly unites and possesses a large, sophisticated strategic nuclear capability and the conventional elements of a deterrent. Europe will continue to require the stiffening presence of the Western superpower. By themselves, the small and medium size states of Western Europe cannot stand up to the prospective pressures from the East. What may come about in the aftermath of 1992, no one can now foretell. What is presently clear is a continuing European requirement for American support. No doubt the Alliance serves America's long-term interests. Even more clearly, it serves Europe's immediate and primary interest.

Will the America commitment continue? This is a question that intermittently troubles a Europe which seems to fluctuate so readily between two moods: a resentment of domination by the Americans and a fear of being abandoned by the Americans. In light of the rapid evolution of East-West relations, the changed attitudes towards the Soviet Union, the deterioration of America's international economic position, and the concern over burden-sharing, the question of the permanence of the American commitment has again come to the fore—among European elites, if not the European publics.

Can a continuation of the American commitment be ensured? I believe it can. Can it be guaranteed? It certainly cannot, but wise attitudes and policies can minimize the risk that it will come to an end. Curiously enough, the outcome does not primarily rest on a presumably fickle American public opinion. It is Europe that will set the tone and establish the environment determining the longevity of the American commitment.

In the first place, there has recently been a tendency to underestimate the breadth of support in the United States for our NATO commitment. It has been argued—quite forcefully by former Chancellor Helmut Schmidt, for example—that the commitment to Europe has reflected the strength of the U.S. *Eastern Establishment.* As political power migrates toward the South and West, so the American commitment to Europe will inevitably falter.

That political power will migrate to sections of the country where the personal and professional ties to Europe have been less strrong than on the East Coast is undoubtedly true. Nonetheless, the conviction that such a migration of political power must inevitably reduce America's commitment to Europe is misleading at best. It exaggerates the earlier power of the *Eastern Establishment* and substantially understates the support for NATO elsewhere in the country. Indeed, if one were to think of names associated with the post-war European connection, they belie the thesis that support of NATO depends upon the East Coast. What are the names that come to mind? Harry Truman of Missouri. Walter George of Georgia. Arthur Vandenberg of Michigan. Dwight Eisenhower of Kansas, and so on. The post-war American commitment came from a body politic which well knew that twice in this century the United States had been drawn overseas to prevent Europe's domination by anti-democratic forces—and which was unwilling to accept a similar risk again. The American commitment was far more deep-seated than the business, financial, professional, or personal connections of leading figures along the Eastern seaboard.

PUBLIC SUPPORT

What European commentors frequently fail to recognize is that American foreign policy must be based upon, and largely stems from, public support. To an extent remarkable, from the standpoint of the European tradition, American foreign policy is only loosely connected to calculations of *realpolitik or raison d'etat.* It is instead grounded in the attitudes and affections of the American public. While these attitudes can be affected by the nation's leaders, they cannot simply be created.

It is my conviction that the American commitment can only be substantially undermined by the kind of attitudes or actions that *alienate* the American public. At the leadership level, the support for NATO is remarkably strong.

What kind of attitudes and actions do I have in mind? On the Left, the belief is expressed that the military threat has now disappeared, that military forces can be reduced, the American deployments are merely a way of preserving America's influence (or domination). It is only the Americans who force us to spend all this money, who insist that we spend even more money. If such views cease to be mere expressions of opinion and become embodied in governments of major states, the American withdrawal is likely to be swift and sure.

Even on the right, however, one frequently encounters an attitude that "the American interest" in the preservation of a free Europe is so strong that the United States cannot withdraw. This belief was most pungently put by a former French Foreign Minister some years ago who stated: "you can abuse the Americans; you can insult the Americans, but the American interest in preserving Europe is so great that they must remain."

He may have been under the impression that American foreign policy is determined by the equivalent of Louis XIV—or perhaps Charles de Gaulle. There is such a things as pushing Cartesian logic too far. Abuse or insult the Americans. They will surely withdraw.

The American commitment rests upon the public's historical memory and affections. It does not rest on careful calculations of the American interest, which appear to have so magnetic an effect on the rhetoric of conservatives, particularly in Europe.

Continuity of the American commitment does not, of course, imply that the size and character of America's deployments are unchangeable. The widespread concern regarding the US international economic position, the political imperative to reduce the budget deficit, and the reluctance to raise taxes, all imply unremitting downward pressure on the military budget. Over the next five years, the United States faces a significant shrinkage of its active-duty force structure. But such a reduction is not the same as an abandonment of our commitment to Europe and security.

DISCERNIBLE RESTLESSNESS

While I personally believe that NATO should have a special claim on our resources, it seems unlikely that we shall be able to sustain the present force levels in Europe over an extended period. I trust that any such drawdown will be gradual and modest—and can be deferred. Ideally, it will be deferred until at least 1992, concurrent with the achievement of European economic unity, which should imply an ability to field more robust forces for reasons of greater efficiency and, hopefully, the availability of greater resources.

As such adjustments take place, the Alliance must come to grips with the issues of strategy and force structure, as they relate to budgets. Regrettably, the capacity within the Alliance effectively to confront such issues has been deteriorating. There is a discernible restlessness among some members with the long-time Alliance strategy of relying upon nuclear deterrence. Such expressions of concern have been voiced at surprisingly high levels. Nonetheless, the Alliance remains dependent upon the threat to employ nuclear weapons. Until something better has been put in place of the nuclear deterrent, I regard such expressions of disquiet as both regrettable and premature.

At this time, restlessness with the nuclear deterrent is perhaps most notable in the Federal Republic. This, too, represents an historical irony, for Germany has long been deeply wedded to reliance on the nuclear deterrent. A Germany, which under Adenauer resisted the Kennedy Administration's attempts to broaden deterrence to include a major conventional element, now has a body of opinion which is disinclined to retain even essential elements of the nuclear deterrent.

Every strategy for deterrence inherently involves some type of risk. If Western publics search for some means to avoid military risk altogether, we shall wind up foregoing deterrence altogether. Even under the most

optimistic projections regarding both Western force improvements and conventional arms control agreements with the Soviets, nuclear deterence must remain an indispensable component of Western strategy. No doubt, the Alliance can make its resources militarily more effective. No doubt, we can better exploit those military capabilities in which the West has a comparative advantage vis-a-vis the Soviet Union. Nonetheless, even to reduce the degree of reliance on nuclear deterrence would still require a substantially increased force contribution by the Federal Republic.

Whatever Mr. Gorbachev's difficulties on the domestic front, his performance on the international scene has revealed him to be the most effective Soviet leader since Lenin. His diplomatic manoeuvres are impressive. He has succeeded in shaking up the Alliance, but he must not succeed in unravelling it. Many of the changes he has brought about are to be welcomed. East-West relations are now in flux. But flux means change, and the Alliance, despite its longevity, finds it hard to grapple with change.

The need to adapt is now greater than it has been in several decades. No doubt the Alliance will survive, but it must survive as more than a shell. That will require intelligent adaptation—adaptation based on realism as well as hope. It will require mutual understanding—and patience. We may glory in the improved international climate as reflecting NATO's success. But a period of success may bring even greater problems than a period of adversity.●

A SUBTLE VERDICT FROM NBC

● Mr. HUMPHREY. Mr. President, recently the NBC television network aired a movie titled "Roe vs. Wade." It was NBC's version of the events leading to the 1973 Supreme Court's decision in the famous Roe versus Wade case.

The movie was supposed to be an "objective" look at the issue of abortion. Well, what NBC sent over the airwaves that night was indeed "objective." I'm not saying "objective" as opposed to "subjective." I'm saying it was objective in the sense that NBC had a goal or purpose in mind when they aired the program. That objective was to attempt to sway viewers to side with those who favor abortion, this at a time when the Supreme Court may revisit the Roe decision.

Cal Thomas, a syndicated columnist recently wrote an excellent article on this subject. The article, "A Subtitle Verdict From NBC," appeared in the Washington Times on Monday, May 22, 1989.

Mr. Thomas' article describes how NBC "engaged in a subtle, systematic and coordinated propaganda campaign." Let me quote a few paragraphs from the article:

The film shifted the focus of attention from the baby to the woman, a strategy that is at the heart of the proabortion position. Such a shift is necessary because proabortionists have lost the debate over the "humanness" of the baby, thanks to ultrasound and fetoscopy, which show clearly fetal development.

The film treated adoption as a less appealing option than abortion, twisting logic and promoting the proabortion position that it is more blessed to kill the unborn than it is to enhance three lives, the baby's and those of the couple who desperately want children.

Mr. President I ask that the full text of Mr. Thomas' article be reprinted in the RECORD.

The article follows:

[From the Washington Times, May 22, 1989]

A SUBTLE VERDICT FROM NBC

(By Cal Thomas)

From the opening scene of NBC's movie "Roe vs. Wade" to Tom Brokaw's deliberate labeling of two of his guests on an NBC News program as "anti-abortion," instead of "pro-life" as they asked to be called (the other guests were labeled "pro-choice" in accordance with their wishes), America's No. 1 network engaged in a subtle, systematic and coordinated propaganda campaign.

Anyone who believes that the airing of this film at a time when the Supreme Court is considering a case which could limit or overturn abortion on demand is pure coincidence is a potential customer for a bridge in Brooklyn.

In the film, the viewer was carefully led through all the pro-abortion arguments. "Ellen Russell," the character who represented Norma McCorvey (a.k.a. Jane Roe), said, "I got no place to go. I can't give up another baby. What could it possibly be like to have a kid out there gettin' his butt kicked and you don't even know?"

That there were places for unwed mothers to go for care in 1972 was never mentioned.

Was it coincidental that the first commercial, for Maxwell House coffee, featured Linda Ellerbee, who marched in last month's abortion rights demonstration in Washington and who does pro-abortion commentaries on Cable News Network, where she is employed?

The film shifted the focus of attention from the baby to the woman, a strategy that is at the heart of the pro-abortion position. Such a shift is necessary because proabortionists have lost the debate over the "humanness" of the baby, thanks to ultrasound and fetoscopy, which show clearly fetal development.

The film treated adoption as a less appealing option than abortion, twisting logic and promoting the pro-abortion position that it is more blessed to kill the unborn than it is to enhance three lives, the baby's and those of the couple who desperately want children.

The actress playing attorney Sarah Weddington said to her client, "You shouldn't have to bear a child and give it up to strangers." This is harsh news to the long waiting list of those "strangers," prospective adoptive parents who are hoping that women will indeed give their babies life in order that the lives of barren couples might be enhanced.

There were not-too-subtle references in the film to abortion as a cure-all for welfare (a suggestion that the Rev. Jesse Jackson once denounced as racist before he converted to the pro-abortion point of view), and there were passing scenes of a dirty abortion table, "intolerant" religion (the Methodist denomination, which favors abortion, received an honorable mention) and insensitive men (except the ones helping the pro-abortion side).

But it was in the hour-long NBC News special following the film that the NBC point of view was stripped of whatever objective clothing remained (on the Washington, D.C., NBC affiliate, a local reporter covering pro-lifers as they watched the movie referred to them as "so-called pro-lifers," while the reporter covering the other side called them "pro-choice").

With body language, smirks and interruptions, Tom Brokaw quickly revealed his side. He frequently interrupted and lectured Republican Rep. Christopher H. Smith of New Jersey and Olivia Gans of National Right to Life, while allowing Planned Parenthood president Faye Wattleton and author Anna Quindlen to make lengthy uninterrupted responses to questions.

This film and follow-up news program practiced censorship by ignoring the following: a woman deciding not to have an abortion for the baby's sake; people praying about their circumstances (millions do) and receiving counseling and financial help; a crisis pregnancy center (there are hundreds) helping a woman with an unplanned pregnancy before and after the birth of her child, offering her a place to live, food, clothing, medical care and even a job; pictures of what is being aborted, before and after the fact; interviews with "tough cases" who were not aborted and who are asked whether they wish they had been; interviews with doctors, such as Bernard Nathanson, who used to perform abortions but have "converted" to the pro-life side; interviews with parents whose joy is boundless since they adopted a child.

The pro-abortionists have mounted an unprecedented campaign on radio and television and in newspapers and magazines, hoping to persuade the Supreme Court to leave Roe vs. Wade alone. They are spending millions. Pro-lifers are spending their smaller resources on saving babies.

Who will succeed? No one can be sure. But the verdict is already in from NBC, which has placed itself firmly on the side of death.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $0.9 billion in budget authority, and over the budget resolution by $0.4 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(A) of the Budget Act is $135.7 billion, $0.3 billion below the maximum deficit amount for 1988 of $136.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 31, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through May 18, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution, House Concurrent Resolution 268. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5, of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONGRESS, 1ST SESS. AS OF MAY 18, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
Fiscal year 1989			
Budget authority	1,233.0	1,232.1	0.9
Outlays	1,100.1	1,099.8	.4
Revenues	964.4	964.7	−.3
Debt subject to limit	2,764.1	[3] 2,824.7	−60.6
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	135.7	[4] 136.0	[5] −.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays and revenues have been revised for Catastrophic Health Care (Public Law 100–360).

[3] The permanent statutory debt limit is $2,800.0 billion.

[4] Maximum deficit amount [MDA] in accordance with section 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT 101ST CONGRESS, 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS MAY 18, 1989

[In million of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the purchase price for nonfat dry dairy products (Public Law 101–7)		−10	
Implementation of the Bipartisan Accord on Central America (Public Law 101–14)	−11		
Total enacted this session	−11	−10	
III. Continuing resolution authority			

PARLIAMENTARIAN STATUS REPORT 101ST CONGRESS, 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS MAY 18, 1989—Continued

[In million of dollars]

	Budget authority	Outlays	Revenues
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy indemnity program	([2])	([2])	
Special milk	4		
Food Stamp Program	253		
Federal crop insurance corporation fund	144		
Compact of free association	1	1	
Federal unemployment benefits and allowances	31	31	
Worker training	32	32	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund [1]	(85)	(85)	
Payment to hazardous substance superfund [1]	(99)	(99)	
Supplemental security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family Support Payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Veteran's Compensation COLA (Public Law 100–678)	345	311	
Total entitlement authority	1,559	1,121	
VI. Adjustment for Economic and Technical Assumptions	−18,925	−16,990	
Total current level as of May 18, 1989	1,232,969	1,100,103	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	919	353	
Under budget resolution			266

[1] Interfund transactions do not add to budget totals.

[2] Less than $500 thousand.

Note—Numbers may not add due to rounding.

RELATIVE TO RETIREMENT BENEFITS FOR CERTAIN FEDERAL EMPLOYEES

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of S. 513, legislation that will provide a 20-year retirement benefit to four new categories of Federal workers: Customs and immigration inspectors, IRS revenue officers and canine enforcement officers of the U.S. Customs [CEO's]. The duties involved with these occupations are physically taxing and hazardous.

Federal law currently provides a 20-year retirement benefit for Federal law-enforcement officers and firefighters. This option allows eligible employees to retire at age 50 with 20 years of service. The expansion of the retirement option is designed to reward those who serve in positions which encounter significant hazards and as a result suffer from severe stress and burnout.

The 20-year retirement rule provides an incentive to employees to stay in their positions for longer periods of time. This reduces turnover and reduces the costs related to training and maturing new employees. By keeping seasoned professionals in the system we are cultivating a stable and knowledgeable work force.

It is in our best interest to provide positive, long-term incentives to draw qualified and committed individuals into Federal service. Our Nation can only benefit from increased productivity and efficiency.

I commend all those Federal employees who serve our Nation in these important roles. Their dedication to public service is highly respected.●

RESPONSE OF SENIORS TO MEDICARE CATASTROPHIC COVERAGE ACT

● Mr. McCAIN. Mr. President, I ask that a statement made before the Finance Committee this morning be printed in the RECORD.

The statement follows:

Mr. Chairman, I would like to commend you and the members of the Finance Committee for calling this hearing to revisit the "Medicare Catastrophic Coverage Act of 1988". As you know, there has been a firestorm among our nation's seniors over the adoption of the Act.

While I agree that the cost of the Act, and the way that it will be paid for, is of concern to seniors, seniors are saying to me that the mandatory nature of the Act and the benefit package it provides is of equal, if not greater, concern.

It is conservations with senior Arizonians, and the mail they send me, that has brought me to this belief—a belief which is only underscored by a national poll of seniors across the country conducted two weeks ago by the Wirthlin Group

I would like to request that a copy of this poll be attached to the end of my statement.

In the eyes of the seniors, the Catastrophic Coverage Act is a good idea gone bad. From the onset of the debate over the original Reagan Administration proposal, it appeared that there was strong support among the seniors of this country for doing something in the area of catastrophic illness.

Originally the proposal was to provide seniors with the option of having coverage of long-term hospitalization expenses, for only a small increase in their Medicare premium. It also eliminated the coinsurance for hospital and skilled nursing facility services, and set a cap on wht Medicare beneficiaries would have to pay out-of-pocket for medical expenses. But as the bill moved through Congress, it was amended and amended, and we finally ended up requiring seniors to purchase a package which duplicates many of the benefits already available to the private sector. Thus, not only did the cost increase, but the philosophy changed.

It seems the true issue in this controversy is not the Act's financing principle—that seniors should pay for catastrophic illness benefits provided under Medicare. In fact, Mr. Chairman, I think you stated during the introduciton and debate over the Senate version that a consensus had developed in favor of the approach that any catastrophic benefits package ought to be paid for by those receiving the benefits. The real issue is that we are forcing the seniors of this country to buy a package of benefits that

they do not feel are important enough to pay for.

I have heard from tens of thousands of seniors in my state regarding this subject. 30,000 senior Arizonans responded on a margin of 4-to-1 that they opposed the Senate version of the legislation. Over 20,000 Arizonans have contacted me since passage of the final Act—which as you know is more expansive and expensive than the Senate bill and it is mandatory.

Of this 20,000, not more than 10 have indicated their support.

And, Mr. Chairman, I can tell you, their concerns go far beyond merely the amount of money they are paying for the program. Their concerns really cut to the very core of the Act.

I believe the seniors of this country are generally very informed consumers. The fact that they are unhappy with the Act ought to be an indication that it misses the mark with regard to what their true catastrophic protection needs really are.

While I disagreed with the specifics of a proposal offered by our former distinguished colleague, Senator Claude Pepper, I think he was right when he said access to long-term care coverage is the greatest catastrophic illness concern of our nation's seniors. Indeed, that is consistent with what I have been hearing from my state's seniors, and it is consistent with the findings of the Wirthlin Group's poll. That poll found that 69% of the seniors would prefer something in the long-term care area over the benefits provided in the Act, while only 19% would prefer the Act over something in the way of long-term care coverage.

In saying this, I recognize that long-term care coverage is terribly expensive. I have heard some say that it will cost at least $50 billion to do something in the long-term care area. The bottom line is that we may not be able to do a comprehensive long-term care program at this time. Nonetheless, I believe that some sort of plan that helps make private plans more afforable and accessible to seniors, coupled with some direct public sector assistance would cost significantly less than $50 billion.

While it would be nice to develop a comprehensive public sector long-term care program, I think the expense prohibits us from doing so. The seniors realize this, and I think they are wondering why we spent so much on the benefits provided under the Act when long-term care is the more catastrophic and more costly of the seniors health care protection needs. I think their fear—a justifiable one at that—is that the existence of the Act makes it near impossible for us to offer anything meaningful in the way of long-term nursing home and home care assistance in the near future.

While the Act does provide some long-term care related benefits, such as long-term hospitalization, skilled nursing, spousal impoverishment protection, and coverage of home care following a hospitalization, it does not cover custodial care provided in the home or a nursing home. What's more, the passage of the Act—and the expense tied to it—may have prevented us from providing any assistance with long-term care coverage for a long time. The seniors recognize this. And, this has only fueled the fire of their discontent.

Mr. Chairman, I believe we need to be asking ourselves the following question: what do the seniors believe are their most important catastrophic illness protection needs? And which of these areas can we reasonably address without sending the cost of any program out of sight?

It is not possible, Mr. Chairman, to provide public sector coverage of every health care need of our nation's elderly—especially given our current deficit problems. We must, therefore, work with the seniors to determine where they feel the public sector should be helping meet their health coverage needs. In my opinion, we need to provide seniors with protection from that which is most costly and catastrophic. What they are telling me is that that which is most costly, and most catastrophic, and that they cannot protect themselves against is long-term custodial care.

It is an attempt to assist us in addressing these questions that I offered S. 335, the "Medicare Catastrophic Coverage Revision Act of 1989." This legislation, which has been sponsored by Senators Boren, Burns, Cochran, Domenici, Gorton, Hatch, Heflin, Hollings, McClure, McConnell, Pell, Roth, Shelby and Wilson; introduced by Congressmen DeFazio and Tauke; and has earned the endorsement of 40 national seniors organizations; would delay for a year implementation of those provisions in the Act that are not yet effective—with the exception of the "spousal impoverishment" benefit. Thus, the long-term hospitalization, skilled nursing facility and spousal impoverishment benefits would be protected for this year, while Congress would be afforded the opportunity to thoroughly reexamine the Act through public hearings.

Given the fact the seniors are both the purchasers and consumers under the Act, and the fact that they seem to be unhappy since learning of its specifics, I believe we have a responsibility to go back and take a second look. After all, the Act forces seniors to purchase a specific set of benefits, without regard to whether they want or need the benefits. I know that there are no easy answers to this problem, but based on what we now know it is imperative that we undertake this effort.

As I understand it, the focus of today's hearings is to be on what should be done with the supposed excess revenues collected under the Act.

Mr. Chairman, we must address several other questions. Such as, does the Act meet what the seniors see as their greatest catastrophic illness protection needs? And, if not, how should we go about reexamining the Act so that a determination might be made as to what changes ought to be made to the Act so that it more accurately reflects the senior's greatest needs?

But, with regard to the excess revenue issue, I would like to say a couple of things.

First, there seems to be great disagreement over whether we have actually collected excess revenues under the Act thus far. It seems to me that we must be very careful in looking at this so that we do not try to relieve the political heat we're feeling over the Act by reducing revenues to a level that will not support the long term viability of the benefit programs we established. Thus, we need to be very confident that the cost estimates for the benefits not yet in place are accurate. It seems that the costs of some of the benefits, such as the outpatient prescription drug benefit, are difficult at best to estimate accurately. The fact that the cost estimates of this program have varied all over the board, and have shifted dramatically since we adopted the Act is an indication that the only way we are going to know true costs is when we pay for the benefits.

And, second, Mr. Chairman, I do not believe that simply modifying the premiums will quell the complaints of seniors. This is because I believe the firestorm has been caused by a frustration over not only the financing, but the Act's benefit package. Seniors strongly preferred the optional nature of the Senate bill rather than the final bill's mandatory participation, and they clearly believe the benefits we have required them to pay for are not the benefits they want the most. If we fail to see this, or if we try to avoid this by simply asking someone else to pay for the benefits, the seniors would see us as failing to recognize and listen to what their true concerns are regarding the Act.

What's more, from a policy perspective, Mr. Chairman, if we were to stay with the Act's current benefit structure, it seems imprudent to modify the financing or to even assume that there is a surplus before the most costly of the benefits are fully implemented.

In my opinion, these issues only further substantiate the need for us to thoroughly examine the Act, so that we might determine what, if any, changes ought to be made.

Again, I applaud you, Mr. Chairman, and members of the Committee, for your willingness to hold hearings to revisit the Act. But, I encourage you to make the revisiting effort a thorough examination of the entire Act, not just its financing.

MEMORANDUM

To: Admiral T.J. Kilcline.
From: Neil Newhouse—the Wirthlin Group.
Subject: Medicare Catastrophic Coverage Act Survey.
Date: May 15, 1989.

As you know, we recently completed a national survey for the coalition probing the attitudes and opinions of senior citizens regarding the Medicare Catastrophic Coverage Act.

One thousand and eight telephone interviews were completed with senior citizens across the country on May 9-11, 1989. Although the methodology for the survey is more fully explained in the summary of findings, the margin of error for this sample is ±3.1%.

The key findings of the survey are as follows:

Senior citizens believe that health care is the most important problem facing the elderly. Almost half of all seniors interviewed (45%) cite health care or health care costs as most important.

Those seniors who are aware of the new Medicare Catastrophic Coverage Act (59%) oppose it by a 53%-31% margin, with 39% saying they strongly oppose the legislation.

After having reviewed six key benefits included in the new Medicare Catastrophic Coverage Act, more than half of the seniors interviewed (55%) believe that the benefits are not worth the cost of the Act. This belief is held by all age, income, and partisan groups.

Even those seniors who are aware of the legislation, and favor it, believe that the benefits aren't worth the cost of the program (42%-38%).

A new long-term program is preferred to the current legislation by a 65%-19% margin.

These results are all the more interesting considering the fact that 85% of those seniors surveyed say they have medical insurance in addition to Medicare, and 60% of those interviewed have less than $20,000.

It is clear from this survey that senior citizens are very concerned about the catastrophic legislation. It is important to note that throughout the survey, those who feel strongest about the legislation are invariably opposed to it. The concern about the legislation and its worth repeatedly cuts across all age, income, and partisan lines.

In summary, the more that seniors learn about this legislation, the more likely they are to oppose it.

MEDICARE CATASTROPHIC COVERAGE ACT SURVEY KEY POINTS

METHODOLOGY

One thousand and eight Americans at least sixty-five years of age were interviewed by telephone by the Wirthlin Group on May 9-11 for this project. The respondents represent a random selection of older Americans from all parts of the country and all income levels.

The margin of error for this survey is ±3.1%, meaning that should this survey be repeated, 95 times out of 100, the results for each question would be within three percentage points of our findings.

The questionnaire was twenty questions long, and the interviews averaged about thirteen minutes in length.

Demographically, the sample of 1,008 senior citizens included 59% women, 41% men, and had the following characteristics:

	Percent
Age:	
65 to 69	32
70 to 74	27
75 to 79	21
80 plus	19
Income:	
Under $5,000	12
$5,000, but less than $10,000	19
$10,000, but less than $15,000	17
$15,000, but less than $20,000	12
$20,000, but less than $25,000	9
$25,000, but less than $30,000	4
Over $30,000	10
Refused	18
Region of country:	
Northeast	26
South	31
Midwest	23
West	20
Partisan affiliation:	
Republican	31
Independent	28
Democratic	40

MOST IMPORTANT PROBLEM FACING SENIOR CITIZENS

Forty-five percent of older Americans believe that health care issues are the most important problem facing seniors, with the leading single problem being health care costs (29%).

The concern over health care cuts across every demographic group tested on this survey—of the 29 demographic and geographic groups tested, all cite health care as their top issue.

General economic concerns (totalling 17%), such as inflation (14%) and taxes (2%) were the next most often mentioned problems, followed by social security/medicare (11%). Thirteen percent of older Americans commented that they had no major concerns or problems.

Lower income seniors stand out on this question as rating economic concerns (especially inflation—20%) especially high.

ATTITUDES TOWARD RESPONSIBILITY FOR PAYMENT OF HEALTH CARE COSTS

By a 52%-35% margin, older Americans believe that "the elderly should share the responsibility with the federal government for paying health care costs," rather than the federal government assuming "the complete responsibility for the payment of health care costs for the elderly." Thirteen percent of seniors were undecided on this issue.

Income plays a major role in seniors' attitudes on this question. The lower the income level (especially those with income levels of less than $10,000 per year), the more divided they are on this question, with a plurality (48%-41%) believing that the federal government should assume the complete responsibility for the payment of health care costs.

On the other hand, sixty percent of seniors with household incomes of at least $10,000 believe that the elderly should share the costs.

Other key points on this question include:

A majority of both Republicans (59%) and Independents (52%), and a plurality of Democrats (47%) believe that the elderly should share the responsibility with the federal government.

Those seniors who are not covered under any additional insurance program like Blue Cross/Blue Shield (14% of entire sample) favor the federal government assuming the complete responsibility for the health care costs (46%-39%).

AWARENESS AND SUPPORT FOR MEDICARE CATASTROPHIC COVERAGE ACT

Fifty-nine percent of seniors interviewed said that they are aware of the Medicare Catastrophic Coverage Act.

Those most likely to say they are aware of the Act include men (64%) higher income seniors (82%), and those seniors under the age of 80 (61%). Those seniors without additional insurance coverage were least likely to have heard of the new law, with just 34% saying they were aware of it.

When those who were aware of the new law were asked whether they favored or opposed the legislation, 51% were in opposition to it, 31% in support of it, and 15% undecided.

Interestingly, 39% of this group said that they were strongly opposed to the new law—indicating a strongly felt opposition to the law.

Of the 29 demographic and geographic groups tested, every one opposed the new law, including Republicans (59%-27%) and Democrats (49%-33%), lower income seniors (41%-35%), and those without additional insurance (48%-31%).

IMPORTANCE OF BENEFITS OF THE MEDICARE CATASTROPHIC COVERAGE ACT

Seniors were asked to rate the importance to them of a number of benefits provided by the Act on a scale from 1-10, with 1 being "not at all important," and 10 being "extremely important."

As you can see below, coverage for mammography screening, unlimited hospitalization, and skilled nursing care topped the list of benefits rated by seniors, with 52%-53% of respondents rating them as highly important (rating "B," "9," or "10").

Coverage for women undergoing mammography screening. (53% rating as highly important.)

Unlimited hospitalization coverage after you pay an annual $560 deductible. (52% rating as highly important.)

150 days of skilled-nursing care for a year, after the individual pays the first $170. (52% rating as highly important.)

A benefit that increases the amount of income and property a spouse may retain when their husband or wife goes to a nursing home at Medicaid expense. (47% rating as highly important.)

50% coverage for prescription drugs after the individual pays the first $600 per year in 1991. (31% rating as highly important.)

$1,370 annual out of pocket limit on how much Medicare recipients will have to pay for "reasonable and proper" Medicare-approved physician and other outpatient service in 1990. (27% rating as highly important.)

Although there isn't a great deal of difference between how men and women rank the importance of these benefits (men do rate mammography screening highly), there is some difference by income level. The findings show that both skilled nursing care and mammography screening are rated higher by lower income seniors than they are by those with higher incomes.

Furthermore, it should be noted that the catastrophic benefits already in effect and mammography screening are consistently rated higher by all demographic groups than prescription drug coverage or the $1,370 out of pocket limit.

CHOICE BETWEEN CATASTROPHIC COVERAGE OR PRIVATE COVERAGE

After having reviewed the key benefits of the catastrophic coverage, seniors were asked the following question:

The Catastrophic Coverage Act applies to all Medicare enrollees whether or not they choose to participate in the plan. In some cases, this includes duplication in existing coverages. If given a choice, would you prefer the catastrophic coverage or would you prefer private coverage?

Seniors opt for private coverage by a 42%-33% margin, with 22% being undecided, and another 3% respond "neither."

The crosstabs indicate that while the overall margin is just nine points, the sentiment in favor of private coverage is widespread—only two of the groups tested favor catastrophic coverage rather than private coverage (those with incomes under $10,000, and women with incomes under $20,000).

Other key findings on this question include:

Republicans (49%-30%), Democrats (39%-35%), and Independents (37%-33%) all favor private coverage.

Those seniors who do not have additional insurance coverage are divided on the question (36%-36%).

Respondents who earlier said that the federal government should assume the complete responsibility for the payment of health care services to the elderly favor private coverage by a narrow 38%-37% margin.

LONG-TERM CARE

When seniors are informed that the 1988 Medicare Catastrophic Coverage Law and its previously mentioned benefits does not cover long-term care, and subsequently asked whether they would perfer the current law or a new long-term care program, they choose the new program by a wide 65%-19% margin.

The sentiment in favor of a new program cuts across every group tested, with at least 58% of all groups opting for a new long-term care program. Even those seniors who are aware of and favor the current legislation believe it should be replaced by a new long-term care program (61%-31%).

MEDICARE CATASTROPHIC COVERAGE ACT BENEFITS WORTH THE COST?

When seniors are informed that in order to fund this new program, they will be required to pay a surtax on the federal income

tax payment of 15% for each $150 owed up to a maximum of $800 in 1989, they do not believe that the benefits of the coverage are worth the cost by a 55%-22% margin.

It is important on this question to also note that 44% of the seniors said that they feel very strongly that the benefits are not worth the cost of the program.

Again, this sentiment cuts across all groups, with the spread between the two sentiments never getting closer then 18 points.

Key findings on this question include:

Even 45% of lower income seniors say that the benefits are not worth the costs involved.

Republicans (55%), Democrats (56%), and Independents (56%) all agree that the benefits are not worth the costs of the program.

Those seniors who were aware of the legislation and favored it previously now say it's not worth the cost (42%-38%).●

CAPT. SAMUEL R. BIRD: PROFILE IN LEADERSHIP

● Mr. HOLLINGS. Mr. President, on this past Monday, Memorial Day, Americans had occasion to recall the rich legacy of heroism and courage and sacrifice by our Nation's fighting men. Down through the decades, our armed services have been richly endowed with profiles in courage. I rise today, however, to introduce into the record not just a profile in courage but also a singular profile in leadership: the story of Capt. Samuel R. Bird, as recorded by his comrade in arms, B.T. Collins in the May 1989 Reader's Digest.

Collins begins his narrative in Vietnam in the summer of 1966, when he first encountered Captain Bird, whom he describes as "'squared away'—ramrod straight, eyes on the horizon." He proceeds to recount how Captain Bird molded and won over the men of Bravo Company, 2d/12th Cavalry, 1st Calvary Division, through his sterling personal example and through countless acts of attention and concern for the soldiers under his command.

Collins describes how Captain Bird gathered his men on a dirt road near their base camp and "began talking about how tough the infantryman's job is, how proud he was of them, how they should always look out for each other. He took out a bunch of Combat Infantryman's Badges, signifying that a soldier has paid his dues under fire, and he presented one to each of the men. There wasn't a soldier there who would have traded that moment on thee road for some parade-ground ceremony."

On January 27, 1967, on his 27th birthday, Sam Bird was gravely wounded while spearheading an assault on a North Vietnamese regimental headquarters. Though he held to life proudly and courageously for another 17 years, his body was irreparably broken, and he ultimately died of complications on October 18, 1984.

In 1976, Sam attended his 15th class reunion at the Citadel. Gen. Mark Clark asked about his wounds and said, "On behalf of your country, I want to thank you for all you did." Captain Bird answered, "Sir, it was the least I could do." His wife chided him for excessive modesty, which he denied, remarking, "I had friends who didn't come back. I'm enjoying the freedoms they died for."

By the way, Mr. President, history will footnote that it was Sam Bird, then an officer with the elite Old Guard, who directed the casket detail at President Kennedy's funeral.

Mr. President, cadets at the Citadel study diligently the lessons of courage and command. No doubt for generations to come, in part thanks to this article by B.T. Collins, they will be inspired by the example of Capt. Sam Bird.

Captain Bird was the living embodiment of the highest ideals taught at our Nation's military academies. We need not embellish his record. He was, simply, a brave warrior, a selfless patriot, and a truly exemplary leader.

Mr. President, I ask that the article, "The Courage of Sam Bird," be printed in the RECORD. I urge my fellow Senators to read this brief but remarkable memoir.

The article follows:

THE COURAGE OF SAM BIRD

(By B.T. Collins)

I met Capt. Samuel R. Bird on a dusty road near An Khe, South Vietnam, one hot July day in 1966. I was an artillery forward observer with Bravo Company, 2nd/12th Cavalry, 1st Cavalry Division, and I looked it. I was filthy, sweaty, and jaded by war, and I thought "Oh, brother, get a load of this." Dressed in crisply starched fatigues, Captain Bird was what we called "squared away"—ramrod straight, eyes on the horizon. Hell, you could still see the shine on his boot tips beneath the road dust.

After graduation from Officer Candidate School, I had sought adventure by volunteering for Vietnam. But by that hot and dangerous July, I was overdosed on "adventure," keenly interested in survival and very fond of large rocks and deep holes. Bird was my fourth company commander, and my expectations were somewhat cynical when he called all his officers and sergeants together.

"I understand this company has been in Vietnam almost a year and has never had a party," he said.

Now, we officers and sergeants had our little clubs to which we repaired. So we stole bewildered looks at one another, cleared our throats and wondered what this wiry newcomer was talking about.

"The men are going to have a party," he announced, "and they're not going to pay for it. Do I make myself clear?"

A party for the "grunts" was the first order of business! Sam Bird had indeed made himself clear. We all chipped in to get food and beer for about 160 men. The troops were surprised almost to the point of suspicion—who, after all, had ever done anything for them? But that little beer and bull session was exactly what those war-weary men needed. Its effect on morale was profound. I began to watch our new captain more closely.

Bird and I were the same age, 26, but eons apart in everything else. He was from the sunny heartland of Kansas, I from the suburbs of New York City. He prayed every day and was close to his God. My faith had evaporated somewhere this side of altar boy. I was a college dropout who had wandered into the Army with the words "discipline problem" close on my heels. He had graduated from the Citadel, South Carolina's proud old military school.

If ever a man looked like a leader, it was Sam Bird. He was tall and lean, with penetrating blue eyes. But the tedium and terror of a combat zone take far sterner qualities than mere appearance.

"NOT ONE STEP FURTHER"

Our outfit was helicoptered to a mountain outpost one day for the thankless task of preparing a position for others to occupy. We dug trenches, filled sandbags, strung wire under a blistering sun. It was hard work, and Sam was everywhere, pitching in with the men. A colonel who was supposed to oversee the operation remained at a shelter, doing paper work. Sam looked at what his troops had accomplished, then, red-faced, strode over to the colonel's sanctuary. We couldn't hear what he was saying to his superior, but we had the unmistakable sense that Sam was uncoiling a bit. The colonel suddenly found time to inspect the fortifications and thank the men for a job well done.

Another day, this time o the front lines after weeks of awful chow, we were given something called "coffee cake" that had the look and texture of asphalt paving. Furious, Sam got on the radio phone to headquarters. He reached the colonel and said, "Sir, you and the supply officer need to come out here and taste the food, because this rifle company is not taking one step further." Not a good way to move up in the Army, I thought. But the colonel came out, and the food improved from that moment. Such incidents were not lost on the men of Bravo Company.

During the monsoon season we had to occupy a landing zone. The torrential, wind-driven rains had been falling for weeks. Like everyone else I sat under my poncho in a stupor, wondering how much of the wetness was rainwater and how much was sweat. Nobody cared that the position was becoming flooded. We had all just crawled inside ourselves. Suddenly, I saw Sam, Mr. Spit and Polish, with nothing on but his olive-drab undershorts and his boots. He was digging a drainage ditch down the center of the camp. He didn't say anything, just dug away, mud spattering his chest, steam rising from his back and shoulders. Slowly and sheepishly we emerged from under our ponchos, and shovels in hand, we began helping "the old man" get the ditch dug. We got the camp tolerably dried out and with that one simple act transformed our morale.

Sam deeply loved the U.S. Army, its history and traditions. Few of the men knew it, but he had been in charge of a special honors unit of the Old Guard, which serves at the Tomb of the Unknown Soldier in Arlington National Cemetery and participates in the Army's most solemn ceremonies. He was the kind of guy whose eyes would mist during the singing of the National Anthem.

Sam figured patriotism was just a natural part of being an American. But he knew that morale was a function not so much of inspiration as of good boots, dry socks, extra ammo and hot meals.

DUG HIS OWN

Sam's philosophy was to put his troops first. On that foundation he built respect a brick at a time. His men ate first; he ate last. Instead of merely learning their names, he made it a point to know the men. A lot of soldiers were high-school dropouts and would-be tough guys just a few years younger than himself. Some were scared, and a few were still in partial shock at being in a shooting war. Sam patiently worked on their pride and self-confidence. Yet there was never any doubt who was in charge. I had been around enough to know what a delicate accomplishment that was.

Half in wonder, an officer once told me, "Sam can dress a man down till his ears burn, and the next minute that same guy is eager to follow him into hell." But he never chewed out a man in front of his subordinates.

Sam wouldn't ask his men to do anything he wasn't willing to do himself. He dug his own foxholes. He never gave lectures on appearance, but even at God-forsaken outposts in the Central Highlands, he would set aside a few ounces of water from his canteen to shave. His uniform, even if it was jungle fatigues, would be as clean and neat as he could make it. Soon all of Bravo Company had a reputation for looking sharp.

One sultry and miserable day on a dirt road at the base camp, Sam gathered the men together and began talking about how tough the infantryman's job is, how proud he was of them, how they should always look out for each other. He took out a bunch of Combat Infantryman's Badges, signifying that a soldier has paid his dues under fire, and he presented one to each of the men. There wasn't a soldier there who would have traded that moment on the road for some parade-ground ceremony.

That was the way Sam Bird taught me leadership. He packed a lot of lessons into the six months we served together. Put the troops first. Know that morale often depends on small things. Respect every person's dignity. Always be ready to fight for your people. Lead by example. Reward performance. But Sam had another lesson to teach, one that would take long and painful years, a lesson in courage.

ENEMY FIRE

I left Bravo Company in December 1966 to return to the States for a month before joining a Special Forces unit. Being a big, tough paratropper, I didn't tell Sam what his example had meant to me. But I made a point of visiting his parents and sister in Wichita, Kan., just before Christmas to tell how much he'd affected my life, and how his troops would walk off a cliff for him. His family was relieved when I told them that his tour of combat was almost over and he'd be moving to a safe job in the rear.

Two months later, in a thatched hut in the Mekong Delta, I got a letter from Sam's sister, saying that he had conned his commanding officer into letting him stay an extra month with his beloved Bravo Company. On his last day, January 27, 1967—his 27th birthday—the men had secretly planned a party, even arranging to have a cake flown in. They were going to "pay back the old man." But orders came down for Bravo to lead an airborne assault on a North Vietnamese regimental headquarters.

Sam's helicopter was about to touch down at the attack point when it was ripped by enemy fire. Slugs shattered his left ankle and right leg. Another struck the left side of his head, carrying off almost a quarter of his skull. His executive officer, Lt. Dean Parker, scooped Sam's brains into the gaping wound.

Reading the letter, I felt as if I'd been kicked in the stomach. I began querying every hospital in Vietnam to find out if Sam was still alive. But in June, before I could discover his fate, I was in a firefight in an enemy-controlled zone. I had thrown four grenades. The fifth one exploded in my hand. I lost an arm and a leg.

Nearly a year later, in March 1968, I finally caught up with Sam. I was just getting the hang of walking with an artificial leg when I visited him at the VA Medical Center in Memphis, Tenn. Seeing him, I had to fight back the tears. The wiry, smiling soldier's soldier was blind in the left eye and partially so in the right. Surgeons had removed metal shards and damaged tissue from deep within his brain, and he had been left with a marked depression on the left side of his head. The circles under his eyes told of sleepless hours and great pain.

The old clear voice of command was slower now, labored and with an odd, high pitch. I saw his brow knit as he looked through his one good eye, trying to remember. He recognized me, but believed I had served with him in Korea, his first tour of duty.

Slowly, Sam rebuilt his ability to converse. But while he could recall things from long ago, he couldn't remember what he had eaten for breakfast. Headaches came on him like terrible firestorms. There was pain, too, in his legs. He had only partial use of one arm, with which he'd raise himself in front of the mirror to brush his teeth and shave.

He had the support of a wonderful family, and once he was home in Wichita, his sister brought his old school sweetheart, Annette Blazier, to see him. A courtship began, and in 1972 they married.

They built a house like Sam had dreamed of—red brick, with a flagpole out front. He had developed the habit of addressing God as "Sir" and spoke to him often. He never asked to be healed. At every table grace, he thanked God for sending him Annette and for "making it possible for me to live at home in a free country."

EVERY WAKING MOMENT

In 1976, Sam and Annette traveled to The Citadel for his 15th class reunion. World War II hero Gen. Mark Clark, the school's president emeritus, asked about his wounds and said, "On behalf of your country, I want to thank you for all you did."

With pride, Sam answered, "Sir, it was the least I could do."

Later Annette chided him gently for understating the case. After all, he had sacrified his health and career in Vietnam. Sam gave her an incredulous look. "I had friends who didn't come back," he said. "I'm enjoying the freedoms they died for."

I visited Sam in Wichita and phoned him regularly. You would not have guessed that he lived with pain every day. Once, speaking of me to his sister, he said, "I should never complain about the pain in my leg, because B.T. doesn't have a leg." I'd seen a lot of men with lesser wounds reduced to anger and self-pity. Never a hint of that passed Sam's lips, though I knew that, every waking moment, he was fighting to live.

On October 18, 1984, after 17 years, Sam's body couldn't take any more. When we received the news of his death, a number of us from Bravo Company flew to Wichita, where Sam was to be buried with his forebears.

The day before the burial, his old exec, Dean Parker, and I went to the funeral home to make sure everything was in order. As Dean straightened the brass on Sam's uniform, I held my captian's hand and looked into his face, a face no longer filled with pain. I thought about how unashamed Sam always was to express his love for his country, how sunny and unaffected he was in his devotion to his men. I ached that I had never told him what a fine soldier and man he was. But in my deep sadness I felt a glow of pride for having served with him and for having learned the lessons of leadership that would serve me all my life. That is why I am telling you about Samuel R. Bird and these things that happened so long ago.

Chances are, you have seen Sam Bird. He was the tall officer in charge of the casket detail at the funeral of President John F. Kennedy. Historian William Manchester described him as "a lean, sinewy Kansan, the kind of American youth whom Congressmen dutifully praise each Fourth of July and whose existence many, grown jaded by years on the Hill, secretly doubt."

There can be no doubt about Sam, about who he was, how he lived and how he led. We buried him that afternoon, as they say, "with honors." But as I walked from that grave, I knew I was the honored one, for having known him.●

TRIBUTE TO WILHELM AND ULLA WACHMEISTER

● Mr. DURENBERGER. Mr. President, today marks the beginning of a new life for dear frinds of mine, the Count and Countess Wilhelm and Ulla Wachmeister. As Ulla calls it, it is their third life following his 15 years as the Swedish Ambassador to the United States and a total of 42 years service to Sweden.

In addition to our friendship, I feel a special bond to them with more than 500,000 people in my home State of Minnesota having Swedish ancestry. They have always held a special place in their hearts for my family and I am proud that Welhelm calls me "his Senator."

I wish them Godspeed in their new life and hope that now they'll find time to enjoy the things they love the most. I want to draw to the attention of my colleagues a very interesting article about the Wachmeisters. In it Ulla was quoted as saying, "What is this life all about if you have no time for affection?" she asked. "Everything in our lives is so quick, and my husband and I have had a wonderful life together. It's lovely to have a little house where we can be like newlyweds again."

Mr. President, I ask that the Washington Post article from May 17, 1989, be printed in the RECORD.

THE WACHTMEISTERS, STAYING IN TOUCH—SWEDEN'S DIPLOMATIC DUO, TAKING LEAVE OF THE EMBASSY BUT NOT THEIR CAPITAL HOME

(By Martha Sherrill)

They live in a world where good Swedish meatballs and a great game of tennis still count for something. They haven't been dying for their country, exactly. They've

been pouring drinks for it. Planning menus for it. Shaking hands. Playing tennis.

When asked how they managed to become the most beloved couple on Washington's Diplomatic Circuit, Wilhelm and Ulla Wachtmeister of Sweden fumble for answers.

He says it's her parties.

She says it's him.

Their dearest, closest friends here—blue-bloods, old money politicians, cave dwellers—generously unlock their jaws:

"They are very attractive," says Sen. Claiborne Pell (D-R.I.). "They are professional diplomats to the core. They know languages. They also have very strong personal interests. The Countess Wachtmeister—I'm sure you know—is a very good painter. And Count Wachtmeister is very good in lawn tennis."

"They entertain so beautifully," says Archie Roosevelt.

"The flowers," says Evangeline Bruce, "were like nobody else's."

"Her hand is amazing," says Ina Ginsberg. "She will put a ribbon somewhere and it will have a tremendous effect."

"I'll give you an example of how sweet she is," says Lucky Roosevelt. "Once my mother was visiting and I was away, and she took my mother to lunch * * * How kind! What kindness! She's incapable of a malicious thought."

"They've really become part of our lives here," says Susan Mary Alsop. "When I found out they were staying, I was soooo relieved. Their leaving would have felt like the Washington Monument being removed."

"They are close family friends," says Barbara Bush. "All our children know and love them. I promise they will be a Washington couple which belies that old rule, 'When you're out, you're out.'

"With George and I, the Wachtmeisters will always be in."

Count Wilhelm Wachtmeister, the ambassador of Sweden and the dean of the diplomatic corps, will be retiring from both posts at the end of this month. He and Ulla, the Countess Wachtmeister, will not be returning to Sweden. They like it too much here.

The ambassador's highest-ranking tennis partner, President Bush, stopped by the residence Monday night. Last night 1,000 family and friends—members of the Cabinet, of Congress, of the diplomatic corps—gathered for an "au revoir" party in their honor. For the first time the Wachtmeisters openly discussed their plans for the future. She's going to paint full time. He's stepping into the private sector, as an adviser to Volvo Chairman Pehr Gyllenhammar and a member of the American board of P-K Banken, a Swedish bank.

"This is something," he says, "that you do very much here in America—where you go between the two sectors. But we don't do that at all in Sweden, but now is my chance."

Last week at the residence, the couple sat down to talk about 42 years of diplomatic life, the last 15 spent in Washington, and their decision to stay.

Wachtmeister leads the way through the place—a white Spanish stucco house that belongs in Bel Air. He walks past the heavy furniture, tapestries, icons. He's a tall, fit-looking 66-year-old. His charcoal suit matches his hair. He keeps looking at his watch. He seems stern until he smiles once. Friends call him "Willie."

He arrives at an airy room filled with his wife's huge, colorful paintings. Out beyond the many windows overlooking the garden lies the tennis court—sort of Wachtmeister's outdoor business office.

Ulla Wachtmeister nods for tea and coffee to be served. She's delicate, a cloud of yellow-blond curls and soft skin. She's wearing a short navy blue jacket with opulent gold trim. It appears to be something terribly expensive, but turns out to be an old uniform coat of Willie's from his days as a young diplomat in Madrid. The countess cut it up herself.

"I want to scale down my activities," he says. "I want to control my own schedule, which I haven't done for 15 years."

"For 42 years," corrects Ulla.

"Right," he says, "42 years."

They've lived and raised their three children in Vienna, Madrid, Lisbon, Moscow and Algeria. Wachtmeister spent three years in New York as personal secretary to then United Nations secretary general Dag Hammarskjöld. During their years in diplomacy, they've spent a total of 15 years in Sweden. And during his post here, Wachtmeister has lasted through five U.S. presidents, six secretaries of state and eight chiefs of protocol.

While receptions and visits and ceremonies are very nice," says the ambassador, "you can be saturated from it. I feel less hungry about these things. I think somebody hungry should go to the table. And those who have already eaten should step back."

Ulla Wachtmeister has watched 65,000 people parade through her house in the past 15 years, somebody on her staff estimates. Although she herself would never use a word like "parade." It's too common, too undiplomatic. Her voice floats and isn't always audible. She talks about her "inner life," and about how they met.

It was on a hunting party in Sweden. Perhaps 1945. "It was very cold and my husband caught a virus," says the countess, who was an 18-year-old baroness at the time. "He didn't feel so well, and I made some lemon-and-honey water for him. I took care of him, you see, and it went to his heart."

Just two weeks before his first posting in Vienna, in 1947, the Wachtmeisters were married. "I didn't know what I was getting into," she says. "You learn during your life, what it's all about."

People seem to agree she's not the ordinary Washington hostess. "She's a woman of great depth. Very profound. So unusual for Washington," says Lucky Roosevelt. "And she does the diplomatic things, which is often all talk—well, you know how that is—and she does it beautifully. But if you want to delve further she can do that, too."

She once threw a candlelight dinner in her kitchen for Swedish actress Liv Ullman and invited Henry Kissinger, who was then secretary of state. When the king of Sweden was still a bachelor, she organized a luau and sat everyone on the floor of a tent. They wore leis. The king danced. A couple times—when tennis champion Bjorn Borg has come to town—she's grown a little grass tennis court in the middle of the dinner table.

Sen. Alan Simpson (R-Wyo.) says he met Ulla in 1979—she was his dinner companion at some party or other. He was totally enchanted. "The conversation was not about politics," he says, "it was about kids and life and fun and spirit."

"Everybody agrees," says Evangeline Bruce, once an ambassador's wife, "that Countess Wachtmeister in her diplomatic entertaining and friendships is able to show a serenity and awareness that are quite rare."

Rare too, she's never used a caterer. Even last night, her Swedish chef prepared the cuisine. She also grows all her own flowers, and often designs and sews her own clothes. When Wachtmeister became dean, their monthly entertaining budget grew to $4,000 and included another staff member to do the grocery shopping, but for the first 12 years of entertaining here, the countess shopped herself. The food she served to Americans was typically Swedish, usually a smorgasbord.

"I used to wonder how many pounds of potatoes I carried home over the 12 years," she says. "You know, in Sweden we eat so many."

Their guest lists weren't remarkable, says Roosevelt. "No, not unusual. They knew everybody," she says, "and sooner or later you'd see all the top people."

Wachtmeister's good. He plays tennis to win. When asked who can beat his game in town, he hedges diplomatically. "John Heinz—whom I play singles with regularly," he says, "can beat me."

"He's 10 years younger, isn't he." asks Ulla.

"Eighteen," says the ambassador.

"The president," he continues, "is a good player."

"Fantastic game," says the countess.

The president and the ambassador had met at social functions, says Wachtmeister, but they become close friends on the court when Bush was vice president.

Sen. Heinz (R-Pa.) says he beats Wachtmeister when he's lucky—"He's relentless, aggressive and wily." Ginsburg used to be Wachtmeister's doubles partner. "This is a tennis town," she says. "I've known people who've come here and decided they had to learn tennis because it was such a good entree."

"There is another word for diplomacy—and that's contact," Wachtmeister explains. "There are special things, hobbies—like tennis in my case. It happens to fit in very well, because Sweden's a great power in tennis. And because tennis is so much en vogue here in America. It's in. Which is reflected in the government officials playing. You know that out of the 100 senators, 25 are active tennis players? Every fourth senator is an active—and many of them, good—tennis player."

And Wachtmeister's sporty pals might be more likely to come to Ulla's parties. "I'm sure that senators get 10 invitations a day from embassies," he says. "And I have heard that senators tell their secretaries that they decline all embassy invitations except this, this, this. The secret is to get on the exception list. And after two years I think that we were on that list."

"Their friendship with me is based on much more," says Simpson, who does play tennis. "I wouldn't wander onto a court with Willie Wachtmeister for anything * * * He can really punch that ball."

Kay Evans, wife of columnist Rowland Evans, is happy to discuss her husband's tennis relationship with Wachtmeister. "Rowly plays early morning tennis every Friday with Willie," she says. "And that improves Rowley's disposition tremendously. I'm very happy about that, very."

"Tennis is like a party," says Wachtmeister. "It's a vehicle—one means—to get together."

"Sweden," somebody once said, "was nothing before the Wachtmeisters." This is, of course, a gross exaggeration. What he really meant to say was that the Swedish embassy was nothing before the Wachtmeisters. Or

maybe that it was empty before the Wachtmeisters.

At the time they arrived, in 1974, U.S. relations with Sweden were not so spectacular. Prime Minister Olof Palme publicly compared the U.S. bombing of Hanoi with German World War II atrocities, and President Nixon sent the ambassador home. For 14 months the Swedish residence—and the tennis court—were vacant.

"When Nixon apparently made up his mind that the punishment was over," says Wachtmeister, "that's when I was appointed."

(There haven't been any flaps since. Well, except one. In 1981, rather than attending a big party at the Soviet Embassy to celebrate the 64th anniversary of the Russian Revolution, Ambassador Wachtmeister chose to play tennis instead. A Soviet submarine had recently gone aground in a restricted military zone off the coast of Sweden.)

The Wachtmeisters had just a few acquaintances here when they arrived. They knew Pell, who had met the ambassador in 1957. And they knew Ginsburg, because Pell introduced them. Ulla says Ginsburg was enormously helpful during the adjustment period.

"It can be very difficult for couples when they first move here," says Ginsburg. "For instance, you might want a picture of people before you meet them * * * and it takes a long time to sort out who is who, and who one should enjoy."

"It does take awhile," says Ulla, "I think this is a mysterious part of the world."

Things on the diplomatic party circuit have since changed. "In the '70s it was rather much influenced by the Iranian ambassador at that time," says Wachtmeister. "It was a splashy kind of thing. And the diplomatic social life in Washington has become much less flashy in the '80s."

"And less visible," says the countess.

"I think the change started with the Carter administration—which was sort of low-key," says the ambassador. "It's much more businesslike now * * * I always resent when the Swedish journalists gripe about the parties taking place here. These are social events for the purpose of getting together, and talking business—politics, if you like. It's not to dance and drink. And not always so fun. It's a hard working capital, as you know. Dinner's over at 11:00. People are in bed at 11:30 if they are lucky."

It was no huge surprise when Wachtmeister announced his retirement. Last month when he turned 66, he reached the mandatory retirement age for the Swedish civil service. He had already stayed a couple of years longer than he originally planned after becoming dean of the diplomatic corps in 1986, a high-profile position that any country would consider a coup.

Andrew J. Jacovides, the ambassador of Cyprus, was chosen to succeed Wachtmeister as dean—after a certain amount of confusion. The senior ranking ambassador (based on longevity) automatically becomes dean, and Maiava Iulai Toma, the ambassador of Western Samoa, has seniority over Jacovides. But Toma doesn't reside in Washington, which everyone agreed was a problem.

"He's been a model ambassador and an excellent dean, and anyone who comes in will have huge shoes to fill," Jacovides says of Wachtmeister. "I will certainly do my best to equal him, and do as conscientious a job as I could—for that limited period that I have."

He says "limited" because he plans soon to return to Cyprus, he says, to be the director general of the Ministry of Foreign Affairs—"an important job that needs to be filled."

"I feel sort of sorry for the next dean," says longtime diplomat Archie Roosevelt of Jacovides. "They are a marvelous couple, but I don't think they can afford to entertain like the Wachtmeisters, and their place is *soooo* tiny.

"Who's next in line after Cyprus?" Roosevelt asks.

Probably Sukru Elekdag, the ambassador of Turkey, he's told.

"Well, the Turks have a terrific embassy," he says. "And they'd love having the new dean."

Countess Wachtmeister bought their Spring Valley town house seven years ago. It doesn't have a tennis court—she doesn't play, after all. She uses her muscles to paint, she says. "It's been a studio. I found it for painting and also for weekends when I wanted to get out of the house. It's wonderful, it's just down the road here * * *. It's just perfect for another life, for our third life."

Once she gets there, she'll paint again. "You have to immerse yourself to be creative," she says. "You have to go deep into yourself, to express yourself." In the last two years, there's been little time for this. She's not been paid to be an ambassador's wife—and believes that diplomatic wives should have a choice of playing hostess or not.

"It depends how you feel about your country, your husband and your own life," she says. "You can hire caterers and a housekeeper to look after the house. There are many bachelor ambassadors who do very well."

Their summer schedule seems loose, but it's tightly drawn. They'll be in Sweden until July, when the ambassador goes for a board meeting of the "International Tennis Hall of Fame" in Newport, R.I. After that, he goes for a week at the Bohemian Grove—the Bohemian Club's compground outside San Francisco—then back to Sweden for the rest of the summer.

Once back in town, Wachtmeister plans to stay off "the official circuit" and away from the toes of Anders Thunborg, the new ambassador—formerly Sweden's ambassador in Moscow. "I don't want to run over him," says Wachtmeister. "So we'll be very low-key in that regard. We will see our friends—our nonpolitical friends—and, of course, members of cabinet and others who are personal friends, but we will stay out of the public limelight."

For other retired diplomats, there hasn't been much limelight to stay out of. The invitations usually don't come the way they used to. "They won't be sitting at home, I'm sure," says Ginsburg. "They have contributed too much, they've been giving too much."

And will Washington remember that?

"I think this," she says, "will be a case where they will."

All of which doesn't seem to concern Ulla Wachtmeister much. Maybe fewer invitations would be fine. "What is this life all about if you have no time for affection?" she asks. "Everything in our lives is so quick, and my husband and I have had a wonderful life together. It's lovely to have a little house where we can be like newlyweds again."●

TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, today marks the 1,538th day of captivity for Terry Anderson in Beirut.

I ask that an article printed in the Batavia Daily News last March discussing former Beirut hostage Father Martin Jenco be printed in the RECORD.

The article follows:

FATHER JENCO FORGIVES HIS CAPTORS

(By Dan Winegar)

Father Martin Jenco stood on the stage at Notre Dame High School in this Christian holy season and forgave his captors, who had degraded him, imprisoned him and mentally and physically tortured him for 19 months in Lebanon.

His voice soft, yet strong and confident, the Roman Catholic priest, whose mission was to aid the sick, the poor and the hungry in a strife-torn land, never wavered in pardoning those who made him suffer.

This was the type of talk that one rarely hears, and it fell upon many student's ears and a gathering of adults with such conviction that the gym/auditorium was completely still until a standing ovation followed the former hostage's talk.

Indeed, one could have been listening to a martyr in the Colosseum or a modern Daniel in the lion's den.

Father Jenco, based in Joilet, Ill., was in Batavia with Mrs. Peggy Say, sister of Terry Anderson, former Batavian who was taken hostage four years ago while chief of the Associated Press bureau in Beirut, and her husband, David. Mr. and Mrs. Say now make their home in Kentucky.

The day before, Father Jenco marched in a remembrance event in Philadelphia for another of those being held, Joseph James Cicippio.

Father Jenco, mistakenly seized in January 1985 while being driven to his office, was held for 564 days. The Islamic Jihad, a Shiite Moslem group, was termed responsible.

One of captors of the now 53-year-old priest looked into his eyes when he was taken and said, "You are dead."

For the first of several trips when being transported to different places of confinement, Father Jenco was completely wrapped in tape, blindfolded, gagged, and slid beneath a truck where a spare tire would be carried. The first ride ended in his being chained to a radiator in a kitchen.

After another transfer, Father Jenco was in a group with Mr. Anderson.

He recalled Terry fashioning a deck of cards from scraps of cardboard and a chess set also from scrap materials. When their captors said card and chess playing were forbidden, Father Jenco asked how those things could be unlawful while kidnapping was legal.

Christmas was recognized by their captors, who furnished a little cake, ice cream and Pepsi. The cake bore the words "Happy Birthday Jesus."

The white-haired, white bearded man, who said he weighed about the same when released as he did when take prisoner—180 pounds—recalled that Terry Anderson talked of opening a restaurant in Batavia when he is released. He asked all his listeners to patronize it when it opens.

Mr. Anderson's reply when his guards asked if there were anything he wanted was always the same, Father Jenco said.

"I want a taxicab to go home," was his answer, the priest said.

Rumors of release could not be counted upon and words of their captors that they were going home soon proved unreliable.

When he was unexpectedly released in early August of 1986, Father Jenco was taken to Damascus, Syria. Mrs. Say was there making an appeal on behalf of her brother and the other hostages. They met for the first time.

Preaching peace for the Middle East, Father Jenco suggested his listeners write to Congress and President Bush on behalf of the hostages. He asked his listeners to keep informed of what is happening in the area and not to cling to ignorance.

The speaker said he believes Mr. Anderson is still being held because he was a Marine and served in Vietnam and the Jihad hates Marines. Also, because he is the most prominent of the hostages.

Behind the hostage situation is the Kuwaiti imprisonment of terrorists, American funding of Israel and America's being one of the largest arms dealers in the world, Father Jenco said. He looks to the day when Moslems, Christians and Jews will come together to achieve peace in the Middle East.

Father Jenco reported his efforts are to carry out Terry Anderson's appeal to him—"promise me I will never be forgotten."

Mindful that some of his captors were kind and helpful on occasion, Father Jenco lives by the words of Christ on the cross, "Father forgive them for they know not what they do" to which he adds that "the Lord demands that we love one another and forgive unconditionally."●

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 143, a joint resolution designating the week beginning December 10, 1989, as "National Drunk and Drugged Driving Awareness Week."

The operation of vehicles by intoxicated citizens remains a serious threat to our society; 38.7 percent of the 46,000 drivers killed in traffic fatalities during 1986 were legally drunk, a tragedy contributing to lower life expectancy rates for those age 15 to 24—whose leading cause of death is drunk driving. The total societal cost of this crime is $26 million in addition to the incalculable human suffering inflicted upon its victims.

Increased public awareness will help stem the incidence of driving under the infuence of intoxicants. The use of safety belts would save 10,000 lives per year. A greater appreciation of drunk driving will deter the use of vehicles by those intoxicated. Finally, public interest will generate support for research on the effects drugs have on driving ability and incidence of traffic accidents. As public servants, Mr. President, we owe it to our constituencies to do whatever possible in making our streets safer while preventing these senseless killings. I urge my colleagues to join me in support of this legislation.●

VINCENT LANE, CHAIRMAN CHICAGO HOUSING AUTHORITY

● Mr. SIMON. Mr. President, I rise today on the occasion of the 1-year anniversary of Vincent Lane's tenure as the chairman of the Chicago Housing Authority. It was just 1 year ago that Mr. Lane began the arduous task of turning this troubled organization around. The authority has come a long way from the days of the threatened HUD takeover to the healthier situation it now enjoys. Through the hard work and dedication of Vince Lane, the Chicago Housing Authority has not only taken giant steps toward correcting the mistakes of the past, but is well on its way to becoming a model for other public housing authorities to follow.

Vince understands what it takes to run an organization of this complexity. He has been skillful in balancing the needs and demands of the community with scarce available resources. He understands that cooperation on all levels is the key to a successful housing program. And he has taken bold action to reform the authority as well as implement new programs.

I applaud Vince's efforts and commend him on a job well done. I look forward to working with Vince in the future and have every confidence that he will maintain the high standard of excellence he has established during this first year.

Good luck to you, Vince.●

ANDY TOBIN

● Mr. McCAIN. Mr. President, I would like to take a moment to congratulate a Tempe, AZ, constituent of mine, Mr. Andy Tobin, who is nearing the end of his 1-year term as president of a very worthwhile and successful national organization, the U.S. Jaycees.

An active member with the Phoenix Jaycees since 1981, Andy has won numerous awards for his efforts and leadership on behalf of the Jaycees. As Phoenix chapter president, Andy received the Charles Kulp, Jr., Memorial Award for his outstanding leadership of one of the largest chapters in the Nation. Consequently, in 1984 he served as district director of Arizona.

Elected president of the Arizona Jaycees in 1986, Andy led his State to a No. 1 year-end finish, based on membership and management of the State organization, against all 50 State organizations. For this he was awarded the Allen Whitfield Memorial Award and eventually the Clayton Frost Memorial Award as one of the top five State presidents in the Nation.

Andy was elected a national vice president of the U.S. Jaycees in June 1987. In that position he helped develop policy and direction as part of the executive committee and executive board of directors for the 1987-88 fiscal year. He traveled to his 5 assigned States and 36 others directing recruitment, meeting with corporate America and providing motivation to Jaycee members.

Finally, in June 1988, Andy was elected the 69th president of the U.S. Jaycees at the organization's annual meeting in Richmond, VA. As president he has directed the programming and membership recruitment efforts of this 240,000-member leadership training organization, helping develop the business and government leaders of tomorrow.

On that note, I would like to welcome Andy and his family back to Arizona from Oklahoma where they have been living during his presidency, and wish him luck on all his future endeavors. I am proud of Andy, an Arizonan who many would do well to emulate, and I'm glad to have him back in Arizona where I know he will continue to be an asset to the people of Arizona.●

WASHINGTON TO WASHINGTON WOMEN IN THE ARTS TODAY

● Mr. GORTON. Mr. President, today I would like to take the opportunity to highlight an exhibition presently showing at the National Museum of Women in the Arts. The exhibit will be on view at the museum until July 9, 1989. It represents the exceptional talents of 15 artists from the State of Washington: Sonja Blomdahl, Rachel Feferman, Lorna Pauley Jordan, Francesca Lacagnina, Solveig Landa, Marilyn Lysohir, Janice Maher, Inge Norgaard, Connie J. Ritchie, Jennifer Stabler-Holland, Sarah Jane Teofanov, Barbara E. Thomas, Liza von-Rosenstiel, Linda E.A. Wachtmeister, and Patti Warashina.

The work viewed in this exhibition was selected by a panel of art experts, to represent the rich cultural variety and versatility of the Washington artistic community. Importantly, this exhibit endorses the work of women in many media outside, what otherwise might be thought of as, a usual male-dominated context. To this end, the National Museum for Women in the Arts has been and will continue to be an important educational source for all of us.

This exhibit is an official event of the Washington State Centennial Commission, and is the only event that many of my constituents currently located in the Washington, DC, area will have the opportunity to enjoy.

I would like to commend the many who contributed to this project, as well as the many volunteers who assisted in bringing this project not just to Washington, DC, but to other areas throughout the State of Washington. I would also encourage my colleagues and others to take advantage of this exhibit unique to Washington State.●

WASHINGTON WOMEN IN THE ARTS TODAY EXHIBIT

● Mr. ADAMS. Mr. President, this year, my home State of Washington celebrates its 100th anniversary. I rise today with my colleague and fellow Washingtonian, Senator SLADE GORTON, to call attention to one of the exciting events of the centennial celebration. The centennial of our statehood offers us the opportunity to recognize and honor the achievements of the many individuals who call this part of the Pacific Northwest their home. Throughout 1989, citizens of Washington State will honor our rich, regional heritage and sense of community with hundreds of special centennial events, including art shows, historical exhibits, and classroom projects.

Today, I want to call attention to one special honor, bestowed upon 15 women artists from Washington State. Washington State is one of only five States to be honored with an exhibition at the National Museum for Women in the Arts, here in Washington, DC. As an official event of the Washington State centennial celebration, the Washington Women in the Arts Today exhibit is a unique opportunity to share the work of our talented artists in a national forum. The exhibition, which began in Pullman, WA, on March 6, and opened in Washington, DC, on May 30, is a celebration of the work of these artists, and was selected by a panel of art experts to represent the rich cultural variety and versatility of the Washington artistic community. The artists, who work in media as varied as glass blowing, computer imagery, and watercolor, are well rewarded in this honor.

Throughout our Nation's history, recognition of women's art has often been minimal. Traditionally, women artists have worked in more functional media—such as in sewing and quilting—and have not received great honors. I believe this recognition of our State's women artists indicates our support for their work and the changing attitudes about women as artists. I am pleased to be able to praise this wonderful exhibit.

This exhibition would not have been possible without the assistance of a great number of volunteers and the Washington arts community. The opening of the exhibit in Washington, DC, was a great success, due to the invaluable help of the honorary committee, including: Jean Gardner, honorary chair, Suzanne Dicks, Sally Gorton, Heather Foley, Virginia McDermott, June Miller, Betty Adams, Paula Swift, Marcella Morrison, Joyce Chandler, Karen Munro, and Representative JOLENE UNSOELD.

Mr. President, I offer my congratulations to the artists who are being honored and I urge all of my colleagues to visit the exhibit at the National Museum for Women in the Arts. The exhibit will remain in Washington, DC, until July 9, 1989, before returning to our State as part of a traveling exhibition.●

LYME DISEASE AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week." I commend my colleague from Connecticut, Senator LIEBERMAN, for introducing this needed legislation. It is absolutely vital that we do all we can to raise public awareness about this debilitating—and rapidly spreading—disease.

Lyme disease was first identified 14 years ago in Lyme, CT. A tick-borne disease, Lyme disease has spread to 43 States across the country. So far, it is concentrated most heavily in the Northeast, the upper Midwest, and along the northern California coast.

In New York the incidence of Lyme disease has reached epidemic proportions. Two New York counties—Westchester and Suffolk—account for 40 percent of all reported cases nationwide. While the Centers for Disease Control officially recorded 2,553 cases in New York last year, the actual total has been estimated at 5 to 10 times that high. Early reports indicate that the caseload in New York could quadruple in 1989. If accurate, these projections portend a dramatic increase in Lyme disease nationally in 1989.

The symptoms of Lyme disease mimic a host of other ailments, making early diagnosis unusually difficult. The symptoms often include a rash at the site of the tick bite accompanied by a fever, headaches, stiff neck, and fatigue. Too often, these symptoms are simply ignored or dismissed as insignificant. Unfortunately, when left untreated, Lyme disease can cause arthritis, meningitis, encephalitis, heart disease, and paralysis. In some cases, it causes irreversible joint and neurologic damage.

Although there is currently no vaccine available for Lyme disease, it essentially can be cured with early diagnosis and treatment. In addition, it can easily be prevented by following a few simple precautions. Yet, both prevention and early diagnosis depend on an educated public. It is therefore crucial that we use every means available to alert the public to this spreading health threat.

The designation of July 23 to 29 as Lyme Disease Awareness Week can be an important tool in our effort to stem the further spread of this debilitating disease. I am pleased to be an original cosponsor of this resolution, and I urge my colleagues to join me in supporting its immediate passage.●

NEED A LIFT?

● Mr. STEVENS. Mr. President, in an effort to help the young people of this country, the American Legion has published its 38th edition of "Need a Lift?" It is one of the best informational handbooks I have seen on educational opportunities for scholarships, careers, loans, and employment.

The information in this book can be used by students, parents, and school counselors. It is presented in clear and concise terms and is available for a nominal fee of $1 from the American Legion, Americanism Division, P.O. Box 1055, Indianapolis, IN 46206.

It is important for students to have as much information as is available about scholarship and financial aid opportunities, and I ask that sections IV and VII of the handbook be printed in the RECORD.

The material follows:

SECTION IV—SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

A. FEDERAL PROGRAMS

1. U.S. Department of Education provides the largest source of funding for financial aid programs. These programs are listed in the following paragraphs. Applications are available at postsecondary schools and high schools. The "Student Guide: Five Federal Financial Aid Programs, 1988-89" may be obtained by writing to Federal Student Aid Programs, Student Guide, P.O. Box 84, Washington, DC 20044.

a. College Work-Study Program (CWSP).—This program provides on-campus and off-campus employment to students enrolled in colleges and eligible postsecondary institutions who need financial aid to meet college expenses. The wage paid is at least the current Federal minimum wage, but it may also be related to the type of work and its difficulty. In arranging a job and assigning a work schedule, the aid administrator takes into account the student's health, class schedule and academic progress.

b. Guaranteed Student Loan Program (GSL).—This program provides loans to students for educational expenses and is available from eligible lenders such as banks, credit unions, savings and loan associations, State agencies and schools. Students must be enrolled on at least a half-time basis in participating postsecondary institutions, ranging from vocational and technical schools to degree-granting institutions. All applicants must undergo a needs test. Students are eligible for Federal payment of interest charges of 8 percent on their loans during school years, during a 6-month grace period, and during authorized periods of deferment. A 5 percent origination fee is charged, which will be deducted proportionately from each loan payment.

Loans must be repaid. Repayment normally is over a 5-10 year period. The amount of the student's repayment depends on the size of his or her debt. The more the student borrows, the higher the payments will be. Failure to repay on a timely basis can damage a person's credit rating and may lead to legal action to recover the debt.

Deferment of payment may be granted for a variety of reasons as listed in the publication, "Student Guide: Five Federal Financial Aid Programs, 1988-89" listed above.

Deferments are not automatic and must be applied for through your lender.

Depending on your need, you may borrow up to $2,625 a year, if you're a first or second-year undergraduate student; $4,000 a year, if you have completed 2 years of study and have achieved third-year status; $7,500 a year, if you're a graduate student. The total GSL debt you can have outstanding as an undergraduate is $17,250. The total for graduate or professional study is $54,750, including any loans made as an undergraduate.

c. Pell Grant Program.—Formerly called the Basic Grant Program, this program makes funds available to eligible students attending participating colleges, community/junior colleges, vocational schools, technical institutions, hospital schools of nursing, correspondence schools and other participating postsecondary institutions. To apply for the grant, an applicant must demonstrate need and be an undergraduate student enrolled on at least a half-time basis. For the 1988-89 award period, individual awards will depend on program funding. The maximum award for the 1987-88 academic year was $2,100. To apply for a Pell Grant, a student must complete either the Federal form called "Application for Federal Student Aid" or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid: the Financial Aid Form (FAF), the Family Financial Statement (FFS), the Pennsylvania Higher Education Assistance Agency (PHEAA) form, the Student Aid Application for California (SAAC), or the Illinois State Scholarship Commission's form (AFSSA). Further information may be obtained from the Office of Student Financial Aid at the institution or a high school guidance counselor.

d. Perkins loan (formerly National Direct Student Loan Program-NDSL).—These loans are available to students enrolled at least half time (and in some cases less than half-time) in a regular program of study at a participating school and who demonstrate need for financial assistance. Aggregate loans may not exceed $18,000 for a graduate student including undergraduate loans; $9,000 for students who have not completed their bachelor's but have completed 2 years leading to a bachelor's degree; $4,500 for any other student. Repayment of the loan begins nine months after a borrower ceases to carry at least one half the normal academic work load, and is to be repaid within 10 years. Your "grace period" may be different than nine months if you are less than a half-time student. Interest of 5% will begin at the time the repayment period begins.

You may defer repayment or have portions of your loan cancelled under certain conditions. These conditions are listed in the publication, "Student Guide: Five Federal Financial Programs, 1988-89" listed on the previous page.

e. Plus loans and supplemental loans for students (SLS).—PLUS loans are for parent borrowers. SLS loans are for students. Interest rates are variable (maximum 12%). Like GSL's, they are made by a lender such as a bank, credit union, or savings and loan association. Parents, graduate students and independent undergraduates may borrow $4,000 per year. All borrowers must begin repaying these loans within 60 days, unless the borrower is entitled to a deferment and the lender agrees to let the interest accumulate until the deferment ends. The negotiation of each loan is between the student and the lending institution. Individuals who desire more information or wish to initiate a loan should discuss the matter with their lender and the financial aid administrator at their school.

f. Supplemental Educational Opportunity Grant (SEOG) Program.—This grant program is for students with exceptional financial need (priority given to PELL grant recipients). Students must be enrolled at least half-time as an undergraduate or vocational student in a regular program of study at an educational institution participating in the program. In some cases, awards may be made to less than half-time students. Graduate students are not eligible. The amount of the award may be up to $4,000 yearly.

g. The Paul Douglas Teacher Scholarship.—Encourages outstanding high school graduates to pursue teaching careers after they finish postsecondary education. Provides scholarships of up to $5,000 for each year of postsecondary education to students who graduate from high school in the top 10 percent of their class, and who meet other selection criteria their State educational agency may establish. Generally, students are required to teach two years for each year of scholarship assistance they receive. Check with your State Scholarship Agency for information.

h. The Robert C. Byrd Honors Scholarship.—Students who demonstrate outstanding academic achievement and show promise of continued excellence may receive $1,500 for their first year of postsecondary education. Recipients are selected by the agency in the State responsible for supervising public elementary and secondary schools.

2. U.S. Department of Health and Human Services administers programs of assistance for students enrolled in health professions programs.

a. Exceptional Financial Need Scholarship Program for first-year students is for students with exceptional financial need. Purpose of the program is to encourage students to pursue careers in medicine, osteopathy, dentistry, optometry, pharmacy, podiatry or veterinary medicine. Citizens or Nationals of the United States may apply as well as lawful permanent residents of Puerto Rico, Virgin Islands, Guam, the trust territory, or the North Mariana Islands. Scholarships will cover (1) cost of tuition for school year and other reasonable educational expenses plus a monthly stipend for 12 consecutive months; (2) no service obligation accompanies the scholarship. For information, write: Health Resources and Services Administration, Bureau of Health Professions, Division of Student Assistance, Parklawn Building, Room 8-38, 5600 Fishers Lane, Rockville, MD 20857.

b. Program of financial assistance for disadvantaged health professions students is a program that provides financial assistance without a service or financial obligation to disadvantaged health professions students who are of exceptional financial need to pursue a degree in medicine, osteophatic medicine, or dentistry by providing financial support to help pay for their costs of education. Federal funds for this program are allocated to participating accredited schools of medicine, osteopathic medicine, and dentistry located in the United States and Puerto Rico. These schools are responsible for selecting the recipients of such assistance.

You are eligible to apply if you are a citizen or national of the United States, or a lawful permanent resident of the United States, Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands or the American Samoa; are accepted for enrollment or are enrolled in a participating school of medicine, osteopathic medicine or dentistry as a full-time student; and are determined by your school's Financial Aid Director to be of "exceptional financial need" and to meet "disadvantaged" criteria. "Disadvantaged background" means that a student comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from a school of medicine, osteopathic medicine, or dentistry, or comes from a family with an annual income below a level based on low-income thresholds according to family size, based on data from the U.S. Bureau of the Census and made available through the Department of Health and Human Services. Depending on funding available, a student may receive up to $10,000 or his/her unmet need, whichever is less. Aid may be used to cover the cost of tuition and other reasonable education expenses including fees, books, laboratory expenses and other costs of attending school.

You should contact the Director of Student Financial Aid at the school where you intend to apply for admission or where you are enrolled, or write to the address in (a) above.

c. The Health Education Assistance Loan (HEAL) Program is similar to the Guaranteed Student Loan Program of the U.S. Department of Education. Students of medicine, osteopathy, dentistry, podiatry, veterinary medicine and optometry, may borrow up to $20,000 a year, not to exceed a total of $80,000. Pharmacy, chiropractic, health administration, clinical psychology or public health students may borrow up to $12,500 per year, not to exceed a total of $50,000. For students to take part in the program, their school must have an agreement with the Secretary.

The maximum interest is the average of the bond equivalent rates of the 91-day Treasury Bills auctioned for the previous quarter plus percentage points, rounded to next higher ⅛ of 1%. The loan principal is repayable over a 10-25 year period starting after the borrower ceases to be a full-time student. However, payments of principal are not required during periods of up to 4 years of internship and residency training or up to 3 years of service in the Armed Forces, National Health Service Corps, Peace Corps or Volunteers in Service to America (VISTA). Deferments are also made during periods of full-time study. At HHS's discretion, borrowers may enter into agreement with HHS for repayment of loans, plus interest, at a rate of not more than $10,000 a year for each year of service in NHSC or in private practice in a health manpower shortage area. Minimum service period is 2 years. For information, write to address in (a) above, Attention: Room 8-39.

d. The Health Professions Student Loan Program. Under this program, Federally supported loans are available at participating schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry and veterinary medicine for students who need assistance to pursue a full-time course of study at the school. The amount of the loan depends upon the student's need as determined by the school; however, the maximum amount per academic year is the cost of tuition plus $2,500 or the amount of the financial need of the student, whichever is less. The loan is repayable over a 10-year period beginning one year after the student

ceases to pursue a full-time course of study at a health professions school. During the repayment period, interest accrues on the total loan at the rate of 9%. Repayment on a loan may be deferred during periods of active military duty, service under the Peace Corps Act or in the Public Health Service (up to three years each). Repayment may also be deferred during periods of advanced professional training, including internships and residencies. Obligation to repay the loan will be canceled in the event of death, or permanent and total disability. For information, write to address in (a) above.

e. National Health Science Corps (NHSC) Scholarships are awarded to U.S. citizens enrolled or accepted for enrollment as full-time students in accredited U.S. schools of allopathic or osteopathic medicine, dentistry, and other health disciplines needed for the mission of NHSC. These scholarships include a monthly living stipend and payment of school tuition. Each year of scholarship support incurs a year of Federal service obligation. The minimum service obligation is 2 years.

The NHSC places full-time primary health care practitioners in selected federally-designated Health Manpower Shortage Areas of the United States. Virtually all of these practitioners owe service obligations of 2 to 4 years due to their participation in the NHSC Scholarship Program.

If appropriated funds are available, applications for competitive awards for 1989-90 school year are expected to be limited to students who have participated at their schools in the Federal "Scholarship Program for First-Year Students of Exceptional Financial Need."

The scholarship program is administered by the Bureau of Health Care Delivery and Assistance, Division of Health Services Scholarships. For further information write to: NHSC Scholarships, Parklawn Building, Room 7-29, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443-1650, or for toll-free message tape, call 1-800-638-0824 (except Maryland).

f. Minority Access to Research Careers Program (MARC) honors undergraduate research training awards).—The Minority Access to Research Careers Program's Honors Undergraduate Research Training Program is designed to increase the number of well prepared minority students who can compete successfully for entry into graduate programs leading to the Ph.D. in biomedical research. Its goal is also to help develop strong science curricula and research opportunities to prepare students for careers in biomedical research. A formal research experience for the recipient is an essential feature of the program. Summer study and research should be part of the overall training program at outstanding institutions or laboratories selected to enhance and supplement the trainee's formal course work and research training experience. The criteria for selection of trainees includes evidence that the candidate has clear potential to perform at a high level in the biomedical sciences and that the candidate demonstrates a determination to subsequently enter graduate programs leading to the Ph.D. degree. Applicants must be honor students in their third or fourth year of college. The college or university must have an enrollment drawn substantially from ethnic minority groups such as American Indians, Blacks, Hispanics, and Pacific Islanders.

Each school will make awards for stipend and tuition support for five to ten students. The award may include travel expenses to one national meeting closely related to a project.

Graduates of this undergraduate program are then eligible to compete for a MARC predoctoral fellowship which supports 5 years of training toward either the Ph.D. or M.D./Ph.D. at any high quality graduate institution.

Applications may be filed by January 10, May 10 or September 10. Apply for information or application to: United States Department of Health and Human Services, National Institutes of Health, National Institute of General Medical Sciences, Westwood Building, Room 9A18, Bethesda, Maryland 20892.

3. Other U.S. Department of Health and Human Service Programs are:

a. Commissioned Officer Student Training Extern Program (COSTEP)—COSTEP is a recruiting device for the Commissioned Corps of the Public Health Service (PHS) which offers excellent opportunities for students in health-related fields to get maximum benefit during free periods (31-120 days) of the academic year. Students may apply for assignments at any time during the year; however, the majority of students are hired for the summer period. To be eligible a student must have completed a minimum of one year of study in a medical, dental, or veterinary school; or have completed a minimum of two years of a professionally accredited baccalaureate program in the following course of study: dietetics, engineering, nursing, pharmacy, therapy, sanitary science, or medical record administrative; or be enrolled in a master or doctoral program in a health related field other than those mentioned above. The student must expect to return to college as a full-time student in an accredited field of study following completion of the COSTEP assignment. Students must be free of any obligation that would conflict with extended duty in the PHS Commissioned Corps, may not be a member of another uniformed service nor owe a service obligation to another uniformed service, and must meet the qualifications for appointment in the Commissioned Corps. These include being a citizen of the United States, meeting the physical standards of the corps, and being under 44 years of age. Transportation is paid to and from the location of the assignment. For applications contact: Division of Commissioned Personnel, ATTN: COSTEP, Parklawn Building, Room 4-35, 5600 Fishers Lane, Rockville, MD 20857. Deadline for applications: October 1 for assignments from January through April, February 1 for May through August, and May 1 for September through December. COSTEPs are commissioned as Junior assistant health service officers in the Commissioned Corps of the PHS. The pay of a single COSTEP officer is $1,260.90 salary, $253.20 quarters allowance, $112.65 subsistence for a total of $1,626.75 per month. For COSTEP officers with dependents, the quarters allowance is $343.20 for a total of $1,716.75 per month. The quarters and subsistence allowances are not taxable. COSTEPs are eligible for medical and dental care while on duty and receive many of the benefits of commissioned officers. For additional information you may call the COSTEP officer at (301) 443-6324.

b. Professional Nurse Traineeship Program.—Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialities requiring advanced training. Traineeships provide a living stipend (not to exceed $6,552) and tuition and fees as set by the participating training institution. Trainees are selected by the training institutions. Further information is available from: Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Room 5C-26, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857. Students should request information through the Dean of Nursing at their institution. NOTE: This assistance is only for students studying at the master's or doctoral level.

c. Nursing Student Loan Program.—Federally supported loans are available through participating schools of professional nursing for students who need assistance to pursue full-time or half-time courses of study. Amount of an individual loan depends on the general availability of student aid funds and on need as determined by the student's school; however, no loan may exceed $2,500 per academic year, and no student may receive more than a total of $10,000 for all years in loan assistance. The total loan is repayable over a 10-year period beginning nine months after the borrower completes or discontinues nursing studies. During the repayment period, interest accrues on the total loan at the rate of 6%. Repayment on a loan may be deferred during periods of active military duty and service in the Peace Corps and during periods of full-time advanced professional training in nursing. Obligation to repay the loan will be canceled in the event of death or permanent and total disability. Contact the Director of Student Financial Aid at the school the student is attending or plans to attend.

4. The U.S. Department of Interior Administrates a Program of Indian Tribal Grants and Loans.—Over 45 Indian tribes have established their own Grant and Loan Programs to promote higher education for their members. Contacts for tribal assistance should be made through the U.S. Dept. of the Interior, Bureau of Indian Affairs, Washington, D.C. 20240, or through the Tribal Headquarters.

5. Indians Higher Education Grant Program is a program for students who are members of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of an undergraduate or graduate degree. Must demonstrate financial need by the institution they are or will be attending. For information, write to: Department of the Interior-BIA, Office of Education Programs, MS 3512, Code 522, 18th & C Street, N.W., Washington, D.C. 20240.

6. The U.S. Information Agency Sponsors: The Fulbright Teacher Exchange Program—Under the Mutual Educational and Cultural Exchange Act, qualified American educators may work in elementary and secondary schools abroad, and, in some instances, institutions of higher education in various countries. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application, proficiency in the language of the host country and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars held in Italy and the Netherlands. Evidence of good health and stability also is required. Round-trip trans-

portation to some countries for those selected to participate may be provided. A maintenance allowance may also be provided, paid in the currency of the host country, based upon that country's cost of living. For teachers participating in the Exchange Program, the successful applicant's U.S. salary is continued by the participant's own school Seminar grants may include round-trip transportation and tuition costs, but for some, the participants are responsible for their own maintenance expenses. Regional interviewing committees conduct preliminary screening of applicants. Annual application deadline date is October 15. Application forms can be obtained from and then submitted to the Teachers Exchange Branch, E/ASX, Room 353, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547.

B. ASSISTANCE FOR UNDERGRADUATES ONLY

AFL-CIO Department of Education. The AFL-CIO offers a scholarship guide with a wide variety of scholarships to postsecondary institutions including; two and four-year colleges and universities, graduate schools, culinary institutes, musicians training institutes, vocational, technical and nursing schools. Though most scholarships listed in the guide are available to union members and their families, some are available to the general public. Single copies are available without charge for union members only. Copies are $3.00 for all others. Checks should be made payable to the Secretary-Treasurer AFL-CIO and sent to the AFL-CIO Pamphlet Divisions, 815 16th Street, N.W., Washington, D.C. 20006.

Aid Association for Lutherans (AAL) awards at least 400 ALL-COLLEGE SCHOLARSHIPS annually, 200 of which are renewable and 200 nonrenewable scholarships. Each applicant must be a high school senior owning an AAL certificate of membership and insurance in his or her own name. The CEEB SAT must be taken no later than December of the high school senior year. The American College Test (ACT) will also be accepted. Individual stipends for the renewable scholarships, range from $500 to $1750 and are renewable for three additional years or until requirements for a baccalaureate degree are met, whichever is earlier. The 200 nonrenewable awards are for $500. Financial need is not considered until winners have been selected. Renewal is based on satisfactory academic progress and continuing AAL membership. Completed AAL applications must be submitted to College Scholarship Service/Sponsored Scholarship Programs before November 30. Applications may be secured by writing: Scholarships, Aid Association for Lutherans, Appleton, WI 54919. AAL scholarship assistance is also available to AAL members at Lutheran colleges, universities and seminaries participating in other AAL scholarship programs. For more details, contact the institution's financial aid office.

Aid Association for Lutherans (AAL) will be awarding up to 100 Vocational/Technical School Scholarships annually. Up to 50 scholarships will be awarded to persons who graduated from high school in previous years, and up to 50 scholarships will be awarded to graduating seniors each year. Applicants must own an AAL certificate of membership and insurance in their own name. Persons of any age may apply for their scholarships provided they will have completed high school or have a GED, and have a well-defined course of study. They must be enrolled or planning to enroll in an accredited vocational/technical institute or community college on either a full or half-time basis with the intent of completing requirements for a vocational diploma or an associate degree. Individual award amounts are $500 for full-time attendance and $250 for half-time attendance. Awards will be renewable for up to one year for full-time studies after the initial year and up to three half years after the initial half year, or until a degree/diploma is earned, whichever is earlier. Applications must be requested by November 30. Applications may be obtained by writing: Scholarship, Aid Association for Lutherans, Appleton, WI 54919.

American Medical Technologists' Scholarship Program offers five scholarships of $250 each to high school graduates interested in pursuing medical technology or medical assisting studies. Awards are based primarily on need, with consideration given to goals, school grades, activities, experience and personal references. Applicants must be enrolled, or contemplate enrolling in a school accredited by the Accrediting Bureau of Health Education Schools (list available by contacting the ABHES, 29089 U.S. 20 West, Elkhart, Indiana 46514), or enrolled or contemplate enrolling in a college, university or junior college medical technology or medical assisting program. April 1 is the filing deadline for applications and supporting documents. Write: AMT, 710 Higgins Road, Park Ridge, IL 60068. Telephone: (312) 823-5169.

The American Society for Metals Foundation for Education and Research sponsors $500 undergraduate scholarships for students in metallurgy and materials science who have completed one full year of college, and are citizens of the United States, Canada or Mexico. Selection is based on interest in metallurgy or materials science, motivation, achievement, citizenship, potential and scholarship. No financial statements are required. In addition, some individual A.S.M. chapters sponsor programs on a local or regional basis. ASMFER also supports scholarships through the National Merit Scholarship Program. For further information, write: ASM INTERNATIONAL, Metals Park, OH 44073. Telephone: (216) 338-5151.

The Seth R. Brooks and Corinne H. Brooks Scholarship Fund offers a grant to an undergraduate who is a daughter or son of a Beta Theta Pi who deserves recognition by reason of academic achievement and would be unable to continue their studies without financial assistance. Applicants need not be from a campus which has a Beta chapter; male applicants need not be Betas. A son or daughter of living or deceased Betas are equally eligible. The amount of the 1989-90 award will be approximately $1,000. The complete application must be received by the Founders Fund Scholarship Committee at the Administrative Office no later than May 15. Applicants will be notified whether or not they have received an award by June 15. For further information, contact the Beta Theta Pi Administrative Office, 208 East High Street, P.O. Box 6277, Oxford, Ohio 45056.

The Business and Professional Women's Foundation Scholarship—Scholarships are awarded for full-time or part-time programs of study and they may cover academic, vocational, or paraprofessional courses.

Eligibility: 1. Be a woman 25 years of age or older and a U.S. citizen; 2. Demonstrate critical need for financial assistance; 3. Be officially accepted into an accredited program or course of study at a U.S. institution; 4. Be graduating within 24 months; 5. Training must lead to entry or re-entry into the workforce or improve chances for advancement. BPWF scholarships do NOT cover study at the doctoral level (except law and medical students) or correspondence courses. Scholarships range from $500 to $1000 and are awarded for a one year period to cover tuition, fees, and school-related expenses such as child care and transportation. Application forms are available between February 1 and April 1, and July 1 and September 1. Deadlines are April 15th and September 15th and materials must be postmarked on or before these dates.

1. BPW Career Advancement Scholarship: awarded to women 25 years of age or older.
2. Clairol Scholarship: awarded to women 30 years of age or older.
3. Avon Products Foundation Scholarship: awarded to women heads of households who are supporting one or more dependents, and pursuing education leading to careers in sales.
4. New York Life Foundation Scholarship for Women in the Health Professions: awarded to women seeking the education necessary for a career in the health professions at the undergraduate level only.

For information and applications (there is one application form for all four of the scholarships) please write to the BPW Foundation at 2012 Massachusetts Ave., NW., Washington, DC 20036 and enclose a self-addressed business-size envelope with two stamps.

NOTE: Loans are available to Women in Graduate Business Studies and Women in Engineering Studies.

Club Managers Association of America maintains undergraduate scholarships for students enrolled at colleges and universities offering courses in Hotel, Restaurant and Institutional Management. These scholarships, normally made available to students who have completed at least one year of undergraduate work at a four-year school, are awarded on the basis of scholastic ability, financial need and interest in private club management. Write: Club Managers Association of America, 7615 Winterberry Place, Bethesda, MD 20817.

The Education Council of the Graphic Arts Industry, Inc., Council's National Scholarship Trust Fund has awarded scholarships during the past 25 years for studies in printing management, printing technology and graphic arts education. Approximately 75 scholarships are awarded each year. Applications must be filed by January 15. Applications may be requested by writing: 4615 Forbes Avenue, Pittsburgh, PA 15213 ATTN: NSTF. Telephone: (412) 621-6941.

Educational Communications Scholarship Foundation provides a minimum of 65 awards annually of $1,000 each. Approximately 500 semi-finalists are selected on the basis of aptitude test scores, grade point averages and leadership activities. Semi-finalists are required to write an essay which is evaluated by committee. Some consideration is given for need for financial aid, but this is not a major factor. Applications must be submitted by June 1 and may be obtained in most high school guidance offices or write to: Educational Communications Scholarship Foundation, 721 McKinley Road, Lake Forest, IL 60045. Telephone: (312) 295-6650. Please state name, address, grade point average and class year.

The Elks Foundation is offering 1,736 college scholarships ranging from $900.00 to $5,000.00 and totaling $2,552,500.00 for the academic year 1988-89. The 1988 Schedule

of Awards includes 500 "Most Valuable Student" Scholarships awarded in nationwide competition, and 1,236 scholarships each for $900.00 allocated on a state-quota basis. Three-hundred four-year scholarships are to be awarded to the highest-rated boys and girls in the 1988 competition. Applications may be made by students in the graduating class of a high school, or its equivalent, who are citizens of the United States of America and reside within the jurisdiction of the B.P.O. Elks of the U.S.A. Scholarship, leadership and financial need are the criteria by which applicants are judged. Application must be made on an official form furnished by the Elks National Foundation, which will be available at Elks lodges after November 1. Applications, properly executed, must be filed not later than January 20 with the Scholarship Chairman or Exalted Ruler or Secretary of the Elks lodge in whose jurisdiction the applicant resides.

Entomological Society of America annually awards one $1,000 undergraduate scholarship sponsored by BioQuip Corporation. Portions of the award are paid at the beginning of each semester or term. Students from Mexico, Canada or the United States must be an undergraduate pursuing a course of study in Entomology or a related field (Biology, Zoology, etc.) and show an interest in the science of Entomology. Application deadline is July 1, each year. For further information, write: Entomological Society of America, 9301 Annapolis Road, Lanham, MD 20706. Additional scholarships are available.

The Foundation of the National Student Nurses' Association offers a number of scholarships each year for Registered Nurses. Scholarships are awarded to Nurses for undergraduate studies and are based on financial need, academic achievement and a demonstrated commitment to nursing through involvement in nursing student organization and/or school and community activities. Requests for application must be received before January 15, with a completed application deadline of February 1. Awards are made in April. For further information and applications, send a self-addressed, stamped envelope with $.50 postage to: Foundation of the National Student Nurses' Association, 555 West 57th Street, Suite 1325, New York, NY 10019. Telephone (212) 512-8820.

The Harry S. Truman Memorial Scholarship Program, enacted by Public Law 93-642, is authorized to award scholarships, through nationwide competition, to persons who demonstrates outstanding potential for and who plan to pursue a career in public service. Scholarships awarded under this Act shall not exceed four academic years neither shall they exceed the cost of tuition, fees, books, room and board, or $7,000 whichever is less for each year of study. Recipients must be college juniors in the initial year of the award. Each state shall be assured at least one recipient each year and the scholarships may apply to any institution of higher education offering courses of study or training to prepare persons for a career in government. The institution's nominations must be forwarded to the Foundation by December 1. Truman Scholarship Foundation, 712 Jackson Place, NW., Washington, DC 20006.

Horatio Alger Scholarship Program offers one $5,000 scholarship to a graduating senior from each high school hosting a Horatio Alger Day. Eligibility requirements for the scholarship include: must be a Senior in high school, have a significant financial need and must participate in the Horatio Alger Day at his/her school. Grades, character, college entrance scores, school activities, community involvement and part-time/summer work record will also be considered in the final decision. Preliminary screening is accomplished by a committee of local school officials/staff. Final selection is made by the Horatio Alger Association of Distinguished Americans, Inc. A requirement for hosting a Horatio Alger Day is that the host school must provide an audience of at least 1,000 Junior/Senior students for the keynote speaker provided by the Association. Schools not having a Junior/Senior population sufficient to meet this requirement, will be required to extend invitations to neighboring schools to provide a minimum audience. Only one scholarship, however, will be awarded to the hosting school. For more information about the Horatio Alger Day and Horatio Alger Scholarship, contact the Horatio Alger Association for Distinguished Americans, Inc., One Rockefeller Plaza, Suite 1609, New York, NY 10020.

Knights of Columbus "Pro Deo and Pro Patria Scholarship Trust" is for undergraduate scholarships. The Knights of Columbus has an established trust fund which will provide annually $1,000 scholarships to members, to sons and daughters of living or deceased members. The fund will also annually provide two $1,000 scholarships to Columbian Squires. Awards will be made on the basis of academic excellence regardless of need and may be renewed annually subject to satisfactory academic performance. Five of these scholarships, and one for the Columbian Squire, are placed at the Catholic University of America. Students admitted to the freshman class may apply for these scholarships through the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064. Final filing date of applications is February 1. Five of these scholarships and one for the Columbian Squire may be used at a Catholic college of student's choice. Final filling date for these applications is March 1. Applications for these scholarships may be obtained from the Director of Scholarship Aid, Knights of Columbus, Supreme Council, Columbus Plaza, P.O. Drawer 1670, New Haven, CT 06507.

National Achievement Scholarship Program for Outstanding Negro Students, a compensatory activity, created in 1964, is conducted by the National Merit Scholarship Corporation (NMSC) which also administers the National Merit Scholarship Program (as described in a later entry). All grants to the Achievement Program are specified for the purposes of honoring academically able black students and awarding them college undergraduate scholarships. Currently, some 700 Achievement Scholarships worth over $2 million are awarded in each annual competition.

To enter the Achievement Program, black high school students must take the PSAT/NMSQT (which simultaneously makes them participants in the Merit Program), mark a space on their answer sheets requesting consideration in the Achievement Program and meet NMSC eligibility requirements.

About 1,500 of the highest scoring eligible black students are designated Semifinalists in each Achievement Program. To ensure nationwide representation, Semifinalists are named in each of several U.S. geographical regions, proportionate to each region's population of Black Americans.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Achievement Scholarship competition. All winners are chosen from the Achievement Program Finalist group. The selection of winners includes an evaluation of each Finalist's academic record and test scores, extracurricular activities and attainments, and the endorsement and recommendation of the student's school.

About 350 of the annual awards are National Achievement $2,000 Scholarships that are single-payment awards. Every Finalist is considered for one of these awards. About 200 are corporate-sponsored four-year Achievement Scholarships for which winners must meet preferential criteria specified by the grantor organization, and are worth between $500 and $4,000 (or more) for each of the four college years. About 150 are college-sponsored Achievement Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

The PSAF/NMSQT Student Bulletin gives requirements students must meet to be eligible to participate in the Achievement Program and also lists sponsor organizations that currently provide support for Achievement Scholarships. A copy can often be obtained from the student's high school. Questions should be directed to: National Achievement Scholarship Program for Outstanding Negro Students, One Rotary Center, 1560 Sherman Avenue, Evanston, IL 60201 (312) 866-5100.

National Association of Secondary School Principals sponsors the Century III Leaders Program which provides: 102 $1,500 scholarships (State winners); 102 $500 awards (State alternates; 2 each per state and D.C.); 306 $100 awards (State finalists); 9 $500 awards (National semi-finalists); and one $10,000 national award to high school seniors who are selected by their schools. For information, contact the school principal in early September (in advance of the October 22 deadline).

Also offered are 450 $1,000 National Honor Society Scholarships. See NHS chapter advisor at the school in early January for the February deadline. The newest scholarship program is the Principal's Leadership Award, funded by Nerff Jones, Inc. The program awards 150 $1,000 scholarships. See your high school principal in early October (in advance of the December deadline).

National Merit Scholarship Program is a nationwide competition for college undergraduate scholarships. The Merit Program is conducted by National Merit Scholarship Corporation (NMSC), an independent nonprofit organization, established in 1955 to administer this annual competition. Over 6,000 Merit Scholarships, valued at about $23 million, have been awarded each year in recent programs. Secondary school students throughout the U.S. enter the competition by taking the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) given by their schools in October. To participate, students must meet published eligibility requirements.

About 15,000 top-scoring students are designated in each Merit Program. The highest scorers in each state are named Semifinalists in numbers proportionate to the state's percentage of the National total of graduating high school seniors.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Merit Scholarship

competition. All Merit Scholars are chosen from the group of approximately 14,000 Finalists. The selection of winners includes an evaluation of each Finalist's test scores, academic and extracurricular achievements and the endorsement and recommendation of the student's school.

At least 1,800 of the annual awards are National Merit $2,000 Scholarships that are single-payment awards allocated to winners on a state representational basis, and every Finalist is considered for one of these awards. Over 1,400 are corporate-sponsored Merit Scholarships for which winners must meet preferential criteria specified by the grantor (organization providing funding for the award; most of these awards are renewable for up to four years and provide stipends between $500 and $4,000 (or more) annually; a few may provide single payments of $2,000. Over 2,800 are college-sponsored, four-year Merit Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

Details concerning eligibility and the Merit Scholarships offered are published annually in the PSAT/NMSQT Student Bulletin, sent to high schools. Questions and requests for additional information should be sent to: NMSC, One Rotary Center, 1560 Sherman Avenue, Evanston, IL 60201 (312) 866-5100.

National 4-H Council, through 50 business corporations and foundations, offers more than 270 4-H college scholarships with total value of more than $250,000 and range from $500-$1,500. The majority are open only to current 4-H members who have won state honors in specific 4-H projects. (Other college scholarships, ranging in value from $500 to $1,000, are available to present or former 4-H members who either are in, or plan to attend college.) Applicants for the latter should have an interest in one of the following fields: (1) animal science; (2) veterinary medicine; (3) forestry; or, (4) agriculture, home economics or closely related career fields. For futher information on eligibility requirements, write to the county 4-H office, the State 4-H Leader at the State Land-Grant University, or the National 4-H Council, 7100 Connecticut Avenue, Chevy Chase, MD 20815.

The National Science Teachers Association sponsors two student competitions with scholarships as awards:

1. The Space Science Student Involvement Program (jointly sponsored by NASA and the National Science Teachers Association)—

Eligibility: all regularly enrolled secondary students, grades 7-12, in all public, private, parochial, and overseas schools, including U.S. civil and military overseas schools, Puerto Rico, Guam, and the U.S. outlying territories. Educational aid offered: Students may submit proposals for experiments that could be conducted on the Space Station, or may compete in a journalism competition to promote the Space Science Student Involvement Program. The top 7 winners are eligible to receive scholarships. In 1986, 1st prize was $3,000, 2nd prize $2,000, 3rd prize $1,000, 4th, 5th, 6th and 7th prizes $250. The winner of the journalism competition received a $500 scholarship. Scholarships may be used toward attendance of any postsecondary educational institution. Deadline: March 15 each year.

2. The Duracell Scholarship Competition (managed by NSTA for Duracell—Eligibility: Students, grades 9-12.

Educational aid offered: Students must create and build a working device powered by one or more DURACELL batteries. Scholarships awards include: First place—$10,000 college scholarship, second place—five $3,000 college scholarships, third place—ten $500 college scholarships, fourth place—twenty-five $100 cash prizes. Deadline: February 1 each year.

For further information, write to: National Science Teachers Association, 1742 Connecticut Avenue, NW., Washington, DC 20009.

Science Talent Search, conducted by Science Service and sponsored by the Westinghouse Electric Corporation and the Westinghouse Educational Foundation, annually offers scholarships for boys and girls in their last year of high school. Awards are based on high school records, national test scores, recommendations of high school teachers, a thousand-word report on an independent science research project by the student and interviews by judges of the forty finalists at the Science Talent Institute in Washington, DC. Awards include 10 scholarships: one $20,000, two $15,000, three $10,000 and four $7,500. The remaining 30 finalists each receive Westinghouse Science Awards of $1,000. State Science Talent Searches are conducted currently with the National Competition in 36 states and the District of Columbia. Entry deadline date is December 15. Detailed information is available from Science Service, 1719 N. Street, NW., Washington, DC 20036. Telephone: (202) 785-2255.

Soroptimist International of the Americas Youth Citizenship Award of $1,250 per Soroptimist region and a finalist award of $2,000 offered to high school seniors demonstrating good citizenship qualities. Citizenship qualities include integrity, worth and ability, and encourage youth to develop the highest concepts of patriotism and effective cooperation in home and community affairs. Deadline is December 15. For applications, contact your local Soroptimist Club. If you are unable to contact them, you may write to the national office for local address information: Soroptimist International of the Americas, 1616 Walnut Street, Philadelphia, PA 19103. Telephone: (215) 732-0512.

The Ted and Peg Serrill Journalism Scholarship is offered annually by the National Newspaper Foundation to a college Junior enrolled full-time in Journalism. The scholarship program is designed to encourage study in the print media field. The scholarships, in the sums of $1,000, $500 and $250, are payable during the Junior year. The student must have at least a B average and a recommendation by the Dean, Director or Department Head of the school in which he/she is enrolled. Deadline is June 13. Write for an application to : Selection Committee, Serrill Scholarship, National Newspaper Foundation, 1627 K Street, N.W., Suite 400, Washington, D.C. 20006. Telephone: (202) 466-7200.

The Westinghouse Educational Foundation sponsors the following awards annually:

1. The Westinghouse Family Scholarship—ten $12,000 and sixty-five $3,000 scholarships. Information on the Westinghouse Family Scholarship may be obtained from the Personnel Relations Office where the student's parent is or was (if deceased, retired or permanently disabled) employed.

2. The Science Talent Search—forty awards. The student should request his science teacher to write to Science Talent Service, 1719 N Street, N.W., Washington, D.C. 20036 to obtain information and application forms.

3. 4-H Electric Program—4-H Club members should contact their local 4-H leader or County Extension Agent for information and applications.

4. Bertha Lamme Scholarship—these scholarships are awarded to young women entering engineering as freshmen. For information write: Society of Women Engineers, United Engineering Center, Room 305, 345 East 47th Street, New York, N.Y. 10017. Telephone: (212) 705-7855.

5. National Achievement Scholarship Program For Outstanding Negro Students—For information, write to: One Rotary Center, 1560 Sherman Avenue, Evanston, IL 60201.

Eligibility for each of these scholarships is limited to students residing in the United States. The Family Scholarship, The Science Talent Search and The Bertha Lamme require that the applicant be in his or her last year of high school; applications must be submitted during the Fall months of their Senior year. Students aged 14 through 19 are eligible for the 4-H Electric Program.

Western Golf Association sponsors the Evans Scholars Foundation, which annually awards approximately 200 four-year scholarships to qualified caddies. Eligibility for Evans Scholarship: (1) Candidates must have completed junior year in high school and rank in upper 25% of class; (2) must have caddied for a minimum of two years at a club participating in this program; and (3) must require financial assistance to attend college. Information is available by writing to Western Golf Association, Golf, IL 60029. Telephone: (312) 724-4600.

C. Assistance for Graduates and Undergraduates

American Congress on Surveying and Mapping/American Society for Photogrammetry and Remote Sensing fellowships and scholarships for 1988-89; (1) Wild Heerbrugg Surveying Scholarships—two scholarships ($1,000 each) for students studying surveying at a school with a two- or four-year degree in surveying or a related field; (2) Wild Heerbrugg Photogrammetric Fellowship—a $4,000 award for one graduate student, to be used for study in photogrammetry at a school of the recipient's choice; (3) American Association for Geodetic Surveying Fellowship—a $2,000 award for one graduate student, to be used for study in a program that focuses on geodetic surveying or geodesy at a school of the recipient's choice; (4) Schonstedt Scholarship in Surveying—a $1,500 award for one undergraduate student, to be used for study in surveying a student who has completed at least 2 years of a 4 year curriculum leading to a degree in surveying; (5) The William A. Fischer Memorial Scholarship—a $1,500 award for graudate study in remote sensing, to be used for studies that address new and innovative uses of remote sensing related to the natural, cultural, or agricultural resources of the Earth; (6) The American Cartographic Association Scholarship—a $1,000 award for full-time students of junior or senior standing. Applicants should be enrolled in a cartography or other mapping science curriculum in a 4-year degree granting institution; (7) The Berntsen Scholarship in Surveying—a $1,500 award for one undergraduate student, to be used for study in surveying in a 4-year degree program of the recipient's choice; (8) The Robert E. Altenhofen Memorial Scholarship—a $500 award for one undergraduate or graduate student to be used for study in photogrammetry at a school of the recipient's choice;

(9) Analytical Surveys Scholarship—a $4,000 award for one undergraduate or graduate student to encourage and assist in pursuing education in photogrammetry; (10) Joseph F. Dracup Scholarship—a $2,000 award for an undergraduate student committed to a career in geodetic surveying. Deadline for applications is January 15, except for the Robert E. Altenhofen Memorial Scholarship, which has a deadline of January 1. Request application forms and instructions from: ACSM Scholarships, 210 Little Falls Street, Falls Church, VA 22046.

The American Dental Hygienists' Association Institute for Oral Health offers the following scholarships: (1) Certificate Scholarship Program to students who are in a certificate/associate degree or bachelor's degree dental hygiene program, have completed at least one year in dental hygiene curriculum and have a minimum grade point average of 3.00 (on a 4.00 scale); (2) Baccalaureate Dental Hygiene Scholarship Program to students who have a minimum grade point average of 3.00 (on a 4.00 scale) and can provide evidence of acceptance as a full-time bachelor's degree candidate in an accredited four-year college or university; if a Baccalaureate Degree sought is not in Dental Hygiene, evidence of a Dental Hygiene Certificate or qualification for the Dental Hygiene Certificate within the current academic year must be provided. (3) Graduate acceptance as a full-time Master's or Doctoral degree candidate in a university program, are graduates of a certified associate dental hygiene program or baccalaureate program, and are licensed Dental Hygienists or will receive a bachelor's degree at the end of the current academic year. While being enrolled in a dental hygiene curriculum, must maintain a minimum grade point average of 3.00 (on a 4.00 scale). The maximum scholarship is $1,500. Deadline for applications is May 1. Information and application may be obtained by writing: ADHA Institute, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Dental Hygienists' Association Institute for Oral Health Research Grant Program makes research grant funds available for licensed dental hygienists or students pursuing a dental hygiene degree who submit a completed research grant application according to the specified guidelines. The purpose is to provide financial assistance to certificate, associate, baccalaureate, master's, doctoral candidates and practicing dental hygienists to implement research. All proposals and applications are due by July 1; awards customarily range from approximately $1,000 to $4,000 with an average award of $2,000. Further information and application may be obtained by writing: American Dental Hygienists' Association, Division of Professional Development, Administrative Research Grant Program, 444 Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Geological Institute makes funds available to minority students in the geological sciences to assist them in their studies. This is accomplished through the Minority Participation Program Scholarships. Awards are granted yearly in sums ranging from $500 to $2,000. Those eligible are geoscience majors who are United States citizens and members of one of the following ethnic minority groups that are underrepresented in the geosciences: American Black, Hispanic, and Native American (American Indian, Eskimo, Samoan, or Hawaiian.) The applicant must be a geoscience major with a good academic record, meet financial need criteria, and be currently enrolled in an accredited institution as either an undergraduate or graduate student. The term "geoscience" is used broadly to include major study in the fields of geology, geophysics, geochemistry, hydrology, oceanography, meteorology and planetary geology. Application deadline is February 1 of each year. Current recipients must reapply for consideration for an additional year. Those interested in applying for a scholarship for a particular academic year should send their request for application forms (which may be duplicated) to the following address as of September when the new applications become available: American Geological Institute, Director of Education, 4220 King Street, Alexandria, Virginia 22302.

The American Institute of Architects—The AIA scholarship program is divided into four programs, each created to meet a different need during the course of an architectural education. Scholarships are provided for undergraduate students entering architecture; undergraduate students during one of the final two years of the first professional degree program; architects wishing to engage in graduate work or independent study; and architects or graduate students wishing to specialize in health facilities design. The Institute considers this support an important investment in the profession's future. Special awards are available to assist minority/disadvantaged students (primarily recent high school graduates) to pursue a career in architecture. For further information write: Director, Education Programs, The American Institute of Architects, 1735 New York Avenue, N.W., Washington, DC 20006.

The American Society of Heating, Refrigeration, Air Conditioning Engineers, Inc. offers grants-in-aid to full-time graduate students of ASHRAE-related technologies to encourage students to continue preparation for service in the industry. An application is made on the student's behalf by a faculty adviser. Up to $6,000 may be awarded during a calendar year. Applications are available from the Manager of Research, American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.

American Society of Medical Technologists (ASMT) Scholarship Program.—The scholarship program supports continuing advanced undergraduate, and graduate education for students, practitioners, and educators.

Undergraduate Scholarship. Fisher Scientific Company Undergraduate Scholarship. Award $3,000 paid in equal installments for each of the terms of the junior and senior years of study. Travel and hotel expenses for the 1988 56th Annual ASMT Meeting & Exhibit. Donor: Fisher Scientific Company (1969). Eligibility: Any student who (1) is a permanent resident of the United States, (2) is enrolled full-time in a degree program in medical technology, and (3) has completed the first term of the sophomore year, and will enter the junior year within 12 months.

Many state societies have state scholarship programs for undergraduate students. Please contact the President of the state society for information.

Note: ASMT also offers educational assistance programs for advanced and continuing education. For information on all programs, contact: ASMT, 2021 L Street, N.W., Suite 400, Washington, DC 20036. Apply well in advance of March 1 application deadline.

The Dow Jones Newspaper Fund, Inc. is an organization encouraging talented young people to consider careers in journalism. The Journalism Career and Scholarship Guide, published by the Fund, provides information on what to study in college, where to study journalism/mass communications, general information on where jobs are and how to find them. It also lists more than $3 million in financial aid from universities and colleges, newspapers, professional societies and journalism-related organizations for students majoring in journalism/mass communications. Single copies of the Guide are available at no charge to interested individuals. Bulk orders are also available at $2.50 per copy. The Fund operates three editing internship programs: the Newspaper Editing Intern Program for College Juniors, the Minority Editing Intern Program for College Seniors, and Minority Reporting Intern Program for College Sophomores.

The internships offer students the opportunity to earn scholarships after successfully completing a summer of paid employment as copy editors or reporters on daily newspapers. The Fund also sponsors: High School Journalism Workshops for Minorities that are designed to identify minority high school students; the Teacher Fellowship Program for inexperience high school journalism teachers to attend summer publication workshops; and the Special Awards Program which ends in the naming of the High School Journalism Teacher of the Year. For information on these programs, as well as a copy of the Journalism Career and Scholarship Guide, write the Dow Jones Newspaper Fund, P.O. Box 300, Princeton, NJ 08543-0300. Telephone: (609) 452-2820.

Educational Foundation of the National Restaurant Association (NRA):

Scholarships.—Foundation-administered scholarships are made available for the purpose of providing needed funds for tuition, room and board, books, and other school expenses at more than 500 approved vocational-technical schools, junior/community colleges, and senior colleges and universities. Awards are available for undergraduate and graduate level studies.

Educational Foundation-administered scholarships are funded by a number of participating companies. Scholarships are available to full-time students majoring in the areas of foodservice/hospitality management. This includes majors in hotel, restaurant, and institutional management, culinary arts, dietectics, food science and technology, and other foodservice-related curricula including manufacturing and distribution. Scholarships range in value from $750 to one full-tuition award up to $10,000.

Fellowships.—Seven H.J. Heinz Company Foundation Graduate Degree Fellowship Awards, 1 for $2,000, 1 for $1,200, and 5 for $1,000, are awarded yearly on a competitive basis to present or previous full-time teachers or administrators enrolled in either a master's or doctoral-degree program to improve skill in teaching or administering foodservice management/culinary arts programs.

The Graduate Degree Fellowship Awards are funded by the H.J. Heinz Company Foundation and administered by The Educational Foundation.

Grants.—Up to 25 National Restaurant Association Teacher Work-Study Grant Awards of $2,000 each are awarded yearly on a competitive basis to full-time teachers in and administrators of foodservice management/culinary arts programs.

It is the objective of these grants to provide opportunities for full-time teachers and

administrators in "hands-on" work experience in the industry. This experience will enrich and update their knowledge of the industry and increase their capability to relate that knowledge to their students.

The Teacher Work-Study Grant Awards are funded by the National Restaurant Association and administered by The Educational Foundation.

For more information/applications on all award programs, please write or call: Scholarship Coordinator, The Educational Foundation of the National Restaurant Association, 20 North Wacker Drive, Suite 2620, Chicago, IL 60606, (312) 782-1703.

Institute for Food Technologists administers fellowships and scholarships to students pursuing a program leading to a degree in the general field of Food Technology or Food Science. During the tenure of a scholarship, winners must be enrolled in an IFT approved U.S. or Canadian educational institution. Graduate fellowship winners may be enrolled in any U.S. or Canadian educational institution that is conducting fundamental research in food science or technology. Awards include 30 freshman and sophomore, and 52 junior and senior scholarships of $500 to $2,000; and 23 graduate Fellowships up to $10,000. A booklet on IFT Scholarship/Fellowship Programs and applications is available after September 15 from IFT Scholarship Department, 221 N. LaSalle St., Suite 300, Chicago, IL 60601 or from Department Head of approved institution. Telephone: (312) 782-8424.

The International Chiropractors Association has two scholarship programs, the Women's Auxiliary and King Koil scholarships programs, which provide funds to student ICA chapters to distribution to student ICA members. ICA also furnishes career information to interested individuals. Upon request, ICA will send a list of chiropractic colleges. Write to the Intenational Chiropracters Association, Career/Scholarship Information, 1901 L St., N.W., Suite 800, Washington, D.C. 20036.

Kappa Kappa Gamma Fraternity Scholarship Awards. —Undergraduate and graduate scholarships are available to members of Kappa Kappa Gamma and to any woman students who is a citizen of the United States or Canada who has completed two years of study on a campus with a chapter of Kappa Kappa Gamma. Application forms may be obtained by writing to Fraternity Headquarters, P.O. Box 2079, Columbus, Ohio 43216. (Please send a self-addressed, stamped envelope). Application deadline: February 15.

The Material Handling Education Foundation, Inc. awards scholarships to students enrolled in programs of study pre-qualified by the Foundation. Majors in Industrial, Electrical, and Mechanical Engineering; Computer Science; and Marketing and Sales may qualify. The program should include an emphasis in material handling through direct and related courses, or through independent study. To be eligible, students must be: beyond their second year of a Bachelor's program, or beginning graduate study; U.S. citizens and maintaining at least a "B" average. The application deadline is early February; the forms are available from faculty members at approved institutions. For general information, you may write: The Material Handling Institute, Inc. 8720 Red Oak Blvd., Suite 201, Charlotte, NC 28217. Telephone: (704) 522-8644.

The National Board of Civil Air Patrol has authorized scholarships to be awarded to Civil Air Patrol members each year in the following categories: Undergraduate, Advanced Undergraduate, Gradute and Technical/Vocational Scholarships. Deadline date is April 1. Information and forms may be secured from: Civil Air Patrol Unit Commanders or from National Headquarters, Civil Air Patrol/TT, Maxwell AFB, AL 36112.

National Congress of Parents and Teachers does not have a scholarship and loan program at a national level. Some state PTA's have such programs and others are encouraging scholarship grants at council and local levels. Awards are made by dues received for memberships, memorial gifts and/or voluntary contributions to PTA's. Most for for teacher training education, but some are for family life education, guidance and counseling instruction, librarianship, teachers of exceptional children and inservice teachers' summer term work. Special fellowships offered. Inquires should be sent to the inquirer's state PTA office.

National Federation of the Blind offers 26 scholarships worth $69,000 ranging from $1,800 to $10,000 for legally blind students pursuing or planning to pursue to full-time postsecondary course of training or study. Most assistance is for undergraduates, but some limited aid is available for graduate students. All scholarships awarded by the Federation are awarded on the basis of academic excellence, service to the community, and financial need. Applicants need not be members of the National Federation of the Blind. Applications must be completed and submitted by March 31 of the year in which the scholarship is awarded. Recipients will be notified of their award by June 1 and brought to the National Federation of the Blind Convention in July at Federation expense. Applications may be obtained from local and state Federation officers or by writing: National Federation of the Blind Scholarship Committee, Grinnel State Bank Building, 2nd Floor, 814 Fourth Avenue, Grinnel, Iowa 50112.

Nurses' Educational Funds is an organization which grants scholarships to registered nurses pursuing full-time study through masters or doctoral degree programs. Men and women who are members of any national professional nursing association and who qualify for these awards study in graduate nursing programs accredited by the National League for Nursing in colleges and universities of their choice. Funds are contributed by nurses, business and industrial firms, organizations and individuals. The Board of Directors determines the amount and number of awards each year on the basis of availability of funds and the nature of applications. Deadline for applications is preceding the academic year for which award is made. Deadline for applications is March 1 preceding the academic year for which award is made. Write for additional information to Nurses' Educational Funds, 555 West 57th Street, New York, NY 10019. Telephone: (212) 582-8820.

Presbyterian Church Financial Aid Programs.—The purpose of the financial aid programs of the Presbyterian Church (U.S.A.) is to help make college and graudate work possible for Presbyterian students who might be handicapped by inadequate financial resources.

These programs are not intended to provide the major portion of educational expense. They are intended to help make undergraduate and graduate work possible for those who need additional resources to continue their education, either through grants, scholarships or loans.

With one exception, the Samuel Robinson Scholarship, all programs are based on financial need.

UNDERGRADUATE GRANT PROGRAMS

I. National Presbyterian College Scholarships.—For superior young people preparing to enter full-time study as incoming freshmen at one of the participating colleges related to the Presbyterian Church (U.S.A.). Applicants must be high school seniors, U.S. citizens or permanent residents, confirming members of the Presbyterian Church (U.S.A.) and take the SAT/ACT no later than November 30th of their senior year in high school. Additional qualifications are listed in the brochure which is available after September 1st. Range of Awards: $500 to $2,000 per academic year depending on demonstrated need and available funds.

II. Student Opportunity Scholarships.—Designed to assist racial/ethnic undergraduate students (Asian, Black, Hispanic, Native American) finance their undergraduate education beyond high school. Applicant must be a member of the Presbyterian Church (U.S.A.), a U.S. citizen or permanent resident of the U.S.; must be a high school senior who will be entering college full-time as incoming freshman and must apply to the college for financial aid. Applications are available after January 1st and must be submitted by April 1st of student's senior year in high school. Range of awards: $100 to $1,400 per academic year depending upon demonstrated need/available funds.

III. Native American Education Grants.—For Indians Aleuts and Eskimos pursuing full-time postsecondary education. Must be a U.S. citizen. Must have completed at least one semester of work at an accredited institution of higher education. Must apply to the college for financial aid. Preference will be given to Presbyterian students at the undergraduate level. Range of Awards: $200 to $1,500, depending upon demonstrated need and availability of funds.

PRESBYTERIAN CHURCH FINANCIAL AID PROGRAMS

IV. Educational Assistance Grant Program.—An undergraduate aid program to help cover the cost of purchasing required books and instructional materials for the children of Presbyterian Church (U.S.A.) professional church workers. Applicant must be a full-time undergraduate who is receiving financial aid based upon need and must be a U.S. citizen or permanent resident of the U.S. Students may receive EAP grants for a maximum of two (2) academic years, with amounts varying by term depending on courses being taken and books required. Maximum grant for a full academic year is $300.

V. Samuel Robinson Scholarships.—For undergraduate students enrolled in one of the 69 colleges related to the Presbyterian Church (U.S.A.). No one may receive the scholarship more than once. Applicants must successfully recite the answers of the Westminster Shorter Catechism and write a 2,000 word original essay on an assigned topic related to the Shorter Catechism. Amount of Award: $500. For information, inquire at the college financial aid office.

GRADUATE GRANT PROGRAMS

I. Presybterian Study Grants.—To assist graduate students who are communicant members of the Presbyterian Church (U.S.A.) in their preparation for professional church occupations. Applicants must: be citizen of the U.S. or have permanent resident status; demonstrate financial need

beyond that which they are able to meet through other loans, grants, scholarships, savings and employment; normally be enrolled on a full-time basis; be in good academic standing. Additional conditions of study apply.

II. Racial/Ethnic Leadership Supplemental Grants.—Designed to assist racial/ethnic graduate students (Asian, Black, Hispanic, Native American) who are communicant members of the PC (U.S.A.) in preparation for professional church occupations. The student must be: studying for the first professional degree; enrolled as an inquirer with or received as a candidate by a PC (U.S.A.) presbytery for a church occupation; a citizen of the U.S. or have permanent resident status; enrolled at least half-time in a prescribed program of study approved by presbytery and in good academic standing; demonstrate unusual financial need beyond that which he/she is able to meet through other grants, loans, scholarships, savings and employment.

To apply, contact the Financial Aid Officer at the seminary or school of study for information/forms.

III. Native American Seminary Scholarship.—To aid Presbyterians who are American Indians, Aleuts and Eskimos in their pursuit of theological education. The student must: be a U.S. citizen or have permanent resident status; demonstrate financial need beyond that which he/she is able to meet through other loans, grants, scholarships, savings and employment; be in good academic standing. Additional conditions of study apply.

Student Loan Fund. Students in all categories; must demonstrate evidence of needing financial help for the necessary expenses of higher education beyond that which they are able to meet through other loans, grants, scholarships, savings and employment; must give satisfactory evidence of financial reliability and must satisfy the Student Loan Fund office that the loan will be repaid in accordance with the conditions specified; must be a U.S. citizen or have permanent resident status.

For more information on all Presbyterian Church Financial Aid Programs, write to: Manager, Financial Aid for Studies, Presbyterian Church (U.S.A.), 100 Witherspoon Street, Louisville, KY 40202-1396.

The Rotary Foundation Scholarships are available to graduate or undergraduate students, journalists or teachers of the handicapped. Vocational scholarships are also available for artisans, technicians and professionals who have been employed in a technical or professional field for at least 2 years. Freedom From Hunger Scholarships will be granted to students from developing country districts working toward advanced degrees in agricultural studies. Age limit requirements vary with each scholarship. All scholarships are for one academic year in a country other than the recipient's own, and provide for school fees, room and board, round trip airfare between home city and place of study and expenses for limited traveling during the year. Applications are due July 1. Contact your local Rotary Club for details.

The Society of Exploration Geophysicists Education Foundation offers numerous scholarship opportunities to students who intend to pursue a college course directed toward a career in Geophysics. Scholarships ranging from $750 to $1,000 annually are available to students wishing to attend college, already in college, and at the graduate level. Applications must be filed prior to March 1. Applications and further information may be secured from the Society's Scholarship Committee, P.O. Box 702740, Tulsa, OK 74170.

The Society of Naval Architects and Marine Engineers annually awards both undergraduate and graduate scholarships to encourage study in naval architecture and marine engineering or closely related fields. All applicants must be a citizen of either the United States or Canada:

1. Undergraduate awards, normally $1,000 each, are to be applied for by contacting one or more of the following schools directly: University of California (Berkeley); University of Michigan (Ann Arbor); Massachusetts Institute of Technology (Cambridge); State University of New York Maritime College (Fort Schuyler) and/or Florida Atlantic University (Boca Raton, FL). These are the only five schools where undergraduate awards are available.

2. Graduate awards are in amounts varying from $1,000 and up. File with the Society no later than February 1. Applications for graduate awards and information can be obtained by writing to: Mr. Robert G. Mende, Secretary and Executive Director, The Society of Naval Architects and Marine Engineers, 601 Pavonia Avenue, Jersey City, New Jersey 07306. Telephone: (201) 798-4800.

D. ASSISTANCE FOR GRADUATES ONLY

The American Association of University Women Educational Foundation awards approximately 80 fellowships annually ranging up to $10,000 for pre-doctoral, and up to $20,000 for postdoctoral fellowships. These awards are for women of the United States who have completed all requirements for the doctorate except the writing of the dissertation. Postdoctoral fellowships are awarded to women who hold a doctoral degree and wish to pursue further advanced research. Awards are also made to women for the final year of study in the fields of law, medicine, architecture, and business administration (the MBA degree). These "selected professions" awards are between $3,500 and $9,000. Applications are available after August 1 of each year. Deadlines for application vary from November 15 through February 1. For further information write to: AAUW Educational Foundation 2401 Virginia Avenue, N.W., Washington, D.C. 20037. Telephone: (202) 728-7603.

The American Osteopathic Association, through the Auxiliary to the American Osteopathic Association, annually awards one National Osteopathic College Scholarship of $4,000 and additional scholarships of $2,000. These scholarships cover the sophomore year of medical training. Awards are based on scholarship (top 20% of class), financial need, good moral character, freshman attendance at a college of osteopathic medicine, motivation and aptitude for the osteopathic medical profession and citizenship in the U.S. or Canada. Deadline April 15 for receipt of applications. The National Osteopathic Foundation, individual colleges of osteopathic medicine and other osteopathic state organizations administer loan funds. For information write: Scholarship Chairman, Auxiliary to the American Osteopathic Association, 142 East Ontario Street, Chicago, IL 60611.

The Daniel and Florence Guggenheim Foundation offers Fellowships each year to approximately 10 young scientists and engineers for graduate study in every conversion, transportation, jet propulsion, space flight and flight structures. The fellowships provide stipends ranging up to $7,800 depending on the level of advancement of the student, plus tuition. They are open to qualified science and engineering students who are residents of the United States or Canada. Students graduating in aerodynamics, fluid mechanics, engineering sciences, physics, physical chemistry, applied physics, applied mathematics, or, aeronautical, mechanical, chemical or civil engineering are sought. The Fellowships are open to women as well as men. The Fellowships will be used for study at The Daniel and Florence Guggenheim Laboratories at Princeton University, (all in Dept. of Mechanical and Aerospace Engineering), the Daniel and Florence Guggenheim Jet Propulsion Center at California Institute of Technology and the Daniel Florence Guggenheim Institute of Flight Structures at Columbia University. Applications and additional information should be obtained directly from Princeton, California Institute of Technology or Columbia University.

Dental Laboratory Technology Scholarship are available upon completion of application to the American Fund for Dental Health. These are one-year scholarships, ranging from $500 to $600. Upon reapplication, a scholarship may be renewed from a second year by the Selection Committee if the student satisfactorily completes the first year and funding is available. Deadline date is June 1. For full information, write to: American Fund for Dental Health, Attn: Director of Programs, 211 East Chicago Avenue, Chicago, IL 60611.

Dental Scholarships for Minority Students are available through the American Fund for Dental Health. Students selected under this program may receive up to $2,000 for their first year of dental school. Upon re-application and report of satisfactory progress, a grant for $2,000 may be renewed for the second year of dental studies. A maximum of $4,000 may be paid over a two-year period. To be eligible, students must be U.S. citizens from the following minority groups under-represented in the dental profession—American Indians, Blacks, Mexican-Americans and Puerto Ricans. They must be entering their first year of dental school. Application deadline is May 1. Applications are available from the Student Affairs or Financial Aid Office of the dental school they plan to attend. Write: American Fund for Dental Health, Attn: Director of Programs, 211 E. Chicago Avenue, Chicago, IL 60611.

Eisenhower Memorial Scholarship Foundation Inc., awards graduate scholarships ranging from $1,000 to $3,000 at the discretion of the Board of Trustees and upon the recommendation of the Graduate Scholarship Committee. Applicants must be U.S. citizens having an academic degree equivalent to a Bachelor's Degree from an accredited college or university. Students interested should also have a plan of study or research which will advance the applicant's professional competence and have intentions of pursuing full-time graduate study during the scholarship year. Financial need will not be a consideration. Awards will be offered to those applicants who appear most likely to make the greatest contributions to and of becoming thought leaders in the area and free-market economics. The award is for one academic year and is not renewable. For further information and application write: Eisenhower Memorial Scholarship Foundation, Inc., 303 North Curry Pike, Bloomington, IN 47401, or call Mr. E.M. Sears, Executive Director at (812) 332-2257.

Foreign Area Programs of the Social Science Research Council and the American

Council of Learned Societies offer fellowships for doctoral dissertation research in social science and humanistic fields related to many foreign areas. Since these programs reflect the distinctive needs and character of the area, a general account of terms and conditions cannot be offered here. Inquiries should directed to Social Science Research Council, Fellowships and Grants, 605 Third Avenue, New York, NY 10158.

The Foundation of the American College of Healthcare Executives offers a limited number of Foster G. McGaw student loans to assist worthy students to continue their professional education and training for careers in hospital administration. Loans are available to students in graduate programs in hospital or health services administration, accredited by the Accrediting Commission on Education for Health Services Administration. Applicants must be student associates of ACHE, and demonstrate financial need. Applications must be endorsed by the University Program Course Director prior to submission to ACHE's Student Loan Committee. For further information, contact the American College of Healthcare Executives, 840 North Lake Shore Drive, Chicago, IL 60611.

Also offered is the Albert W. Dent Scholarship, designed to provide financial aid for and increase enrollment of minority and physically disabled students in healthcare management graduate programs. For information, write to address above.

The Institute of International Education offers American college graduates approximately 700 scholarships for study in foreign countries, about 500 of which are provided under the Fulbright Program. Over two hundred of the scholarships are financed by various foreign governments, foreign universities and private donors. In most cases, the scholarships provide travel expenses and partial or complete tuition and maintenance for a full academic year. Students now enrolled in colleges or universities should first consult with their campus Fulbright Program Advisers. Deadline is October 31. Further information and application forms are available from the Institute of International Education, U.S. Student Programs Division, 809 United Nations Plaza, New York, N.Y. 10017, (Telephone: (212) 984-5330), or from any of the Institute's regional offices in Chicago, Denver, Atlanta, Houston and San Francisco.

The Knights of Columbus Graduate Fellowships are established at the Catholic University of America, Washington, D.C., for work in the fields offered in the Graduate School. The fellowships cover room, board and tuition, and may be renewed annually up to three years.

For these awards, preference is given to members of the Knights of Columbus, to the wife, son, daughter or sister of a member. The member must be in good standing in the Order; if deceased, he must have been in good standing at the time of his death.

These Fellowships are administered by the Graduate School of the Catholic University for applicants who have been accepted for graduate work there. Application forms may be obtained from the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064.

The Knights of Columbus-Bishop Charles P. Greco Graduate Fellowships were established in 1973 for members, their wives, sons and daughters, and for the widow and children of a deceased member. These fellowships are for full-time graduate study leading to a Master's degree in a program designed for the preparation of classroom teachers of mentally retarded children. The fellowship is granted to a candidate at the beginning of the program of study and offers financial assistance for the educational costs at the graduate school up to a maximum of $500 per semester. The grant is renewable each succeeding semester of the program to a maximum of four semesters upon evidence of satisfactory performance. The deadline is May 1. Application forms may be obtained from the Committee on Fellowships, Knights of Columbus, P.O. Drawer 1670, New Haven, CT 06507.

National Medical Fellowships, Inc., awards scholarships to members of the four under-represented minority groups, (Native Americans, American Blacks, Mexican Americans and Mainland Puerto Ricans) who have been accepted by or are attending accredited schools of allopathic and osteopathic medicine in the U.S. Applicants must be U.S. citizens.

NMF General Scholarship awards are based on financial need and are awarded to first and second-year medical students. Special merit awards are granted to outstanding juniors and seniors.

Applications should be requested from The Scholarship Program, National Medical Fellowships, 254 West 31st Street, 7th Floor, New York, NY 10001. All NMF applications are available in March. The deadline for new applicants is August 30 and for renewal applicants is April 28.

The National Wildlife Federation annually awards a limited number of graduate fellowships of up to $10,000 for study at an accredited college or university in the field of natural resources conservation. Research which is carried out as part of a research program may be considered within this fellowship program. The deadline is November 30. Write to: The Executive Vice President, National Wildlife Federation, Confidential #8, 1412 Sixteenth St., N.W., Washington, D.C. 20036.

Woodrow Wilson National Fellowship Foundation conducts the following programs in higher education:

(1) Mellon Fellowships for Graduate Studies in the Humanities for beginning graduate students who plan careers in college teaching; for more information on Mellon write: P.O. Box 288, Princeton, NJ 08542. (2) Charlotte W. Newcombe Dissertation Fellowships for Ph.D. candidates writing on topics of religious and ethical values in all fields. Application Request Deadline—December of each year. (3) Women's Studies Research Grants for Ph.D. candidates writing their dissertations on a topic concerning women. Application Request Deadline—November of each year. (4) Administrative Fellowships which place holders of M.B.A. and other professional degrees in management positions at developing colleges. (5) Visiting Fellows program which sends professionals to college campuses for a week at a time. Application Request Deadline—November of each year. No fellowships for undergraduate study are available. Applicants interested in the above programs should write for further information to: Woodrow Wilson National Fellowship Foundation, Box 642, Princeton, New Jersey 08542. Also offered: Spencer Dissertation Year Fellowships for Research Related to Education, for Ph.D. candidates in the social sciences or education; and Rural Policy Fellowships, to expand the number of researchers and policymakers concerned with rural policy questions in the U.S. For information on both programs, write to P.O. Box 410, Princeton, New Jersey 08542.

E. STUDENT EMPLOYMENT AND COOPERATIVE EDUCATION PROGRAMS

Cooperative education is a unique plan of education which integrates classroom study with planned and supervised work experience. This educational pattern allows students to acquire practical skills as well as to be exposed to the reality of the world beyond the boundaries of the campus, enhancing the self-awareness and direction of the individuals.

One of the great strengths of cooperative education is its flexibility. The basic concept of integrating work experience in an educational curriculum can be applied in many different ways. The administrative details can be designed to blend with the philosophy of the particular educational institution and the needs of the students to be served.

It is called "cooperative education" because it is dependent upon the cooperation between educational institutions and employers to form a total educational program. The interrelated experience and study components are carefully planned and supervised to produce optimum educational results. Through a balanced educational method which combines classroom theory with career/related paid work experience, cooperative education offers numerous advantages to the student, to employers, and to the institutions.

To receive a free copy of the Co-op Education Undergraduate Program Directory, write to: The National Commission for Cooperative Education, 360 Huntington Avenue, Boston, Massachusetts 02215.

SECTION VII— EDUCATIONAL LOANS: IT'S YOUR CHOICE

INTRODUCTION—MAKING INFORMED CHOICES

You have already made an important life choice—to further your education. It is a major investment of your time, effort and money—a sensible decision to improve yourself and your future.

Now you need to choose the best way to finance your education. Start by totaling the cost of your education (check with the Office of Financial Aid for information on "student budget" figures, the direct and indirect costs of your college education.) Then investigate the types of student aid available (grants, scholarships, student employment and loans.) Apply for funds early by completing financial aid applications well in advance of your period of enrollment.

You may need to consider a student loan. You'll want to think about what amount of educational debt is necessary to obtain your educational goal, and what impact this debt will have on your future lifestyle.

Whatever you decide, be sure your choices are based on sound and realistic information. The information which follows will help you consider the immediate and long-term effects of educational borrowing. Budgeting your educational costs is the first step.

BUDGETING YOUR EDUCATIONAL COSTS

Budgeting puts you in control. It helps you identify and plan for your expenses. A buget can help you make better decisions about financing your education.

As you begin, remember these five important points:

Be realistic—Don't slash any basic necessities, but don't be extravagant either. For example, save designer labels for after you graduate and do with less expensive clothing for now.

Be flexible—Keep a detailed record for month. If your original estimates are inaccurate, review your figures. A budget won't work if it feels too tight (or to loose.)

Give it time—Take the time to get accustomed to using a budget and you'll soon find you better understand income/expense realities.

Keep it updated—Adjust your budget when changes occur.

Complete a personal budget worksheet. A sample is shown on the next page. First, identify all sources of income. These include savings, help from parents and relatives, gifts, financial aid, salary from work study or private employment and any other sources of income that are available to you. Record your resources.

Now calculate how much it will cost for tuition, fees, rent, utilities, books, supplies, transportation, food, clothing, entertainment, medical and personal expenses. Record and total these amounts. Your financial aid officer can provide estimates for many expenses categories.

Next, subtract your expenses from your sources of income. If you have money left over, or if you "break even," you're all set. If the result shows that you don't have enough money, read on.

Budget worksheet

Expenses:	
Tuition	$.....
Fees	.....
Variable:	
Room and board	.....
Transportation	.....
Utilities	.....
Clothing	.....
Food	.....
Personal expenses	.....
Recreation	.....
Other	.....
Total expenses	.....
Income:	
Savings	.....
Earnings	.....
Parents' contribution	.....
Scholarships	.....
Grants	.....
Other	.....
Total income	.....

TIPS ON REDUCING EXPENSES

Books and Supplies—Consider buying used books rather than new ones and softback rather than hardcover. When you're finished with them, sell them. Use the library whenever you can.

Room/Rent/Utilities—If you plan to live in an apartment, get a roommate. To save on utilities, use heat-producing applicances sparingly. Turn off lamps, lights and stereo when not in use. One telephone with a long cord may be cheaper than extra phones.

Food—If you are self-supporting, try to prepare all your meals at home. Bringing a sack lunch will save money.

Plan your meals in advance and do your shopping from a list of essentials. Buy only what you have itemized on the list.

Shop at supermarkets rather than specialty shops. The smaller stores usually charge higher prices.

Save coupons only for items you would buy normally. A bargain is not a bargain unless it is something you are really going to need.

Buy fruits and vegetables in season. They are much cheaper at that time.

Compare prices. Try the store brands; you may like it better, and it is often cheaper. Watch for specials. Buy bulk items.

Recreation and Entertainment—Try less expensive group and on-campus activities rather than higher priced off-campus events. Parties are less costly if everyone contributes. Investigate student and group rates. Early shows at movie theaters are often at half price.

Transportation—Avoid the financial drain of an automobile. The combination of high gasoline and oil costs, license and registration fees, insurance and regular maintenance makes an automobile a real luxury. Look into public transportation, car pooling or bicycling.

Clothing and Laundry—Shop discount stores, clothing warehouses and factory outlets for best prices. Don't buy clothes that need to be drycleaned or altered. Avoid designer labels. (Must you dress to impress? Can you judge the student by the jeans?)

ALTERNATIVE TO BORROWING

Before seeking a student loan, check out other ways to pay for your college education. Some ideas:

1. Check with the financial aid administrator about grants and scholarships. These funds, sometimes called "gift aid," are not paid back. Some are awarded based on financial need, and some consider the student's "merit," or outstanding ability in grades, test scores, athletic skills, musical or artistic talent, community or volunteer involvement, or other special abilities.

Some of these are offered by the University, and some are offered by organizations, locally or nationally. Investigate awards offered by religious groups, fraternities, sororities or civic clubs. Check with employers, who may offer aid to employees or children of employees. Look into organizations such as The American Legion, YMCA/YWCA, 4-H Club, Kiwanis, Jaycees, and Chamber of Commerce. Check out organizations connected with your field of interest (such as the American Medical Association or the American Bar Association.) Visit the library and look over publications recommended by the librarian for possible scholarship resources.

2. Check out student employment. The Financial Aid Office may find you eligible for college work-study. Career Planning and Placement on campus is another source of part-time job leads. Plan for summer and holiday season work to help offset some of your tuition and other costs. Check with the Career Center about cooperative education, a work-for-credit program where you gain college credit (and usually a salary) through employment at an off-campus worksite.

3. If you have an interest in the military, investigate ROTC programs at your college(s) of interest. The military services provide excellent educational benefits.

Once you have checked out loan alternatives, you may still feel a loan is needed. What you should consider when borrowing is outlined in the next section on credit.

UNDERSTANDING CREDIT

Credit is simply a promise to pay later for goods, services or money you receive now. When you apply for an educational loan, you are taking what may be your first step toward establishing credit. To keep your debt level manageable, consider these factors before you make a loan commitment:

Dollar amount of loan—Think about how much you need to borrow. You may decide not to borrow the full amount you may be eligible for. Borrowing less (whether from the University or your banker) means paying back less.

Number of loans—Your total indebtedness will be affected by your plans for further study. For example, are you considering graduate school?

Loan limits—Most loan programs specify minimum and maximum amounts (either yearly or in total or both) you can borrow.

Different lenders and loans programs—You can reduce the potential for multiple monthly payments by staying with one bank and one loan program whenever possible.

Length of repayment period—Your loan will be paid sooner and you will save interest costs if you choose a shorter repayment period (even though monthly payments would higher.) Most loans must be repaid within five to ten years.

Interest rates—Rates are subject to change and they vary with each program. Current 1988 interest rates are:

Your school is lender—Perkins Loan (formerly National Direct Student Loan—NDSL), 5%.

Bank is lender—Guaranteed Student Loan (GSL), 8%.

Bank is lender—Plus loan (parents)/Supplementary Loans to Students, variable rate (3.75%) above 91-day Treasury Bill rate.) For the 1988-1989 award year, the interest rate is 10.45%.

Minimum monthly payments—Your monthly payments will depend on the amount you borrow; however, your payments will be at least $30 monthly (for Perkins Loan/NDSL) or $50 monthly (for GSL).

Rights and responsibilities—Make sure you understand your rights and responsibilities under each loan program. Keep all paperwork for future reference.

Remember, when considering a student loan, think carefully about three points:

First, loans are obligations that must be repaid.

Second, the amount of money you decide to borrow now can affect your lifestyle for years after you leave school.

Third, your ability or inability to repay will affect your credit-worthiness for other credit-based purchases, such as a car or a home.

Plan ahead for repayment. Choose wisely.

PLANNING FOR REPAYMENT

Think about what your monthly income and expenses will be after you graduate. Average starting salaries of graduates for your profession usually are available from your college's Career Planning and Placement Office. Complete a budget worksheet to estimate if your income will be sufficient, given your choice of lifestyle, to allow for repayment of the loans you may accept.

As a general guideline, experts agree you should not borrow an amount that would require you to make an annual payment totalling more than eight percent of your first year's income with an undergraduate degree or certificate, or more than 15 percent of your first year's income with a master's or higher degree.

Consider the cases of Harry, Kevin and Lisa. All three borrowers have identical incomes and student loan debts. Harry has his own apartment, a new car and an active social life. He is also in danger of defaulting on his student loan because he has more expenses than income each month. Kevin, on the other hand, has his own apartment, but he uses public transportation and brings his lunch to work. He breaks even at the end of each month and is able to repay his student loan. Lisa has decided a car is an absolute must. She realizes, however, that if she has car payments to make, she will be unable to

afford an apartment. She opts to live at home with her parents until her income increases enough for her to afford her own apartment. Because she also has a part-time job, she is able to meet all of her other expenses and save money toward that apartment.

To plan intelligently for future loan debt, review carefully the repayment schedules you will be provided. Look over the sample Guaranteed Student Loan repayment schedule below:

TYPICAL REPAYMENT PLANS

Total GSL indebtedness	Number of payments	Monthly payment	Interest charges	Total repaid
$2,500	60	$50.70	$541.46	$3,041.46
5,000	60	101.39	1,082.92	6,082.92
10,000	120	121.33	4,559.31	14,559.31
12,500	120	151.67	5,699.14	18,199.14
25,000	120	303.33	11,398.28	36,398.28

REPAYING YOUR LOANS

Most students enter repayment following a six month "grace period" after graduation or last attendance. You usually will be reminded of your debt and the start of your repayment plan. If for some reason your lender does not contact you, you must contact your lender as part of your responsibility to the loan program.

If you can make payments on your loan during your grace period, do so. All grace period payments are interest-free and will greatly reduce the amount of interest you will pay on the loan. Contact your lender for more information about prepayment.

Paying your student loan promptly each month will help you establish a good credit record. Good credit is an asset when applying for other credit, such as a car loan or home mortgage. Frequent late payments constitute delinquency, and may harm your credit history.

Here are some tips on avoiding delinquency:

Notify your lender (the bank and/or the school) whenever your name or address changes.

Send the payment due each month, even if you haven't received a bill. Whenever possible, send larger or extra payments to reduce the amount of interest you will pay on the loan.

Call your lender immediately if you realize you are unable to make a payment on time. Suggest a plan for catching up in future months.

Under specified conditions, you may be able to put off your payments for a time (deferment). Know your deferment rights; request and complete all necessary forms. Follow up to be sure your loan payments are deferred properly.

Keep copies of student loan records, letters and all payments.

Always call if you have a question or a problem. Never ignore correspondence or requests for payment.

HOW AND WHY YOU SHOULD AVOID DEFAULT

Loan default is a failure to repay a loan according to terms agreed to when you signed the promissory note, the legal document you signed listing the conditions under which you are borrowing and the terms under which you agreed to repay the loan.

These are some consequences of defaulting on your educational loan:

Defaults are reported to local credit bureaus, and can remain on record there for as long as seven years.

A poor payment record can delay or prevent you from obtaining other types of credit such as credit cards, mortgages, and auto loans.

You will be unable to obtain future educational loans and all other student financial aid from any institution.

You will be ineligible for other types of government loans that may assist you in the future, such as small business loans or federally-subsidized mortgages.

You may be taken to court or lose all your assets.

Involuntary deductions from salary to repay the Guaranteed Student Loan are authorized if you work for a federal agency.

Income tax refunds (federal and some state) may be attached and applied to the balance of the defaulted loan.

Increased interest amounts, late charges and court and attorney fees may be added to the amount you must repay.

You will be ineligible for deferments once your loan is in default.

Default is avoidable

It requires careful planning when you make the decision to borrow, and when you make choices about your lifestyle (and the expenses that go with that lifestyle). Your choices about student loan debt could help to fund an educational investment in yourself. Similar decisions will make repayment comfortable or uncomfortable for you.

The thought you should always keep in mind is: If you need to borrow, borrow only what you need—and only what you can reasonably expect to repay.

Remember. It's your choice.

(We wish to acknowledge the Massachusetts Higher Education Assistance Corporation for source material used in this section.)

PERMANENT HOUSING FOR HOMELESS AMERICANS ACT

● Mr. SIMON. Mr. President, I am pleased to join my colleagues in introducing the Permanent Housing for Homeless Americans Act of 1989.

In the past few years, we have seen attempts made to deal with our Nation's overwhelming problem of homelessness. The enactment of the Stewart B. McKinney Homeless Assistance Act of 1987 and its subsequent reauthorization were substantial first steps. We can and should congratulate ourselves that, in recognizing this crisis, Congress moved so quickly. We should, however, not be complacent because more needs to be done. I believe this act will help meet these needs.

Let me quote from a recent article by Robert Kuttner, which I believe neatly summarizes the situation: "In most of America, the private market cannot produce a house or an apartment at a price that low-income households can afford, and the Government is withdrawing from the business of housing subsidy. With income distribution worsening generally, the result is a widening chasm between incomes and housing costs."

The Permanent Housing for Homeless Americans Act provides a much-needed short-term infusion of dollars into the housing market. By targeting those areas with the highest numbers of homeless, we will be assured that scarce Federal resources are going to the most needy.

I believe this bill will complement the McKinney Act and is the logical next step in our efforts to eliminate the homeless problem. I look forward to working with my colleagues on this important legislation. I hope that our continued efforts in this area reassure homeless individuals that their plight is not being ignored and that we will not stop our efforts until this terrible national disgrace is resolved.●

MODIFICATION OF PREVIOUS UNANIMOUS-CONSENT AGREEMENT AND ORDERS FOR FRIDAY, JUNE 2, 1989

Mr. MITCHELL. Mr. President, for the benefit of Senators, it is my intention now to propound a unanimous-consent agreement for the disposition of the pending supplemental appropriations bill to identify the days and times in which the matter will be further considered, the amendments remaining to be considered and the circumstances under which those amendments will be considered.

Mr. President, I ask unanimous consent that the unanimous-consent agreement currently in effect for the supplemental appropriations bill be superseded by the agreement which I will now propound. That agreement is that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Friday, June 2, and that on Friday, following the time for the two leaders, there be a period for the transaction of morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each; that at 10 a.m. tomorrow the Senate return to consideration of H.R. 2072 and that the following amendments be the only amendments in order and that no perfecting amendments or motions to recommit be in order:

An amendment by Senator ADAMS to stabilize the apple markets, 10 minutes equally divided; an amendment by Senator METZENBAUM regarding Winton Woods Lake in Cincinnati, OH, 5 minutes equally divided; an amendment by Senator GRAHAM relating to Haiti with no time agreement; two amendments by Senator WALLOP relating to fire rehabilitation and fire research, 20 minutes each, equally divided; an amendment by Senator HEINZ regarding the targeted jobs tax credit, no time agreement; an amendment by Senator GRAMM regarding Central and South American refugees, 20 minutes equally divided.

I further ask unanimous consent that when the Senate recesses on Friday it stand in recess until 8:30 a.m.

on Tuesday, June 6, and that on Tuesday, following the time for the two leaders, there be a period for the transaction of morning business not to extend beyond 9 o'clock with Senators permitted to speak therein for not to exceed 5 minutes each.

I further ask unanimous consent that at 9 a.m. on Tuesday, the Senate return to consideration of H.R. 2072 and that the following amendments be the only amendments in order:

An amendment by Senator KASTEN regarding section 89 with no time agreement; an amendment by Senator WARNER relating to Alar with 45 minutes equally divided; an amendment by Senator HELMS relating to Namibia with 20 minutes equally divided; an amendment by Senator HELMS relating to South Africa with 20 minutes equally divided; an amendment by Senator MCCAIN regarding catastrophic health insurance with no time agreement.

I further ask unanimous consent that with respect to these amendments which I have just identified, it would be in order on Tuesday that relevant second-degree amendments be in order with the same amount of time as the first-degree amendment if the first-degree amendment is under a time limitation and with no time limitation if there is no time limitation on the first-degree amendment; that the agreement be in the usual form; that no motions to recommit be in order and that no points of order be waived by this agreement.

I further ask unanimous consent that any rollcall vote ordered on these amendments on Friday or Tuesday be stacked to occur not earlier than 4:45 p.m. on Tuesday; that the first rollcall vote be a 15-minute vote and that the rollcall votes immediately thereafter be 10 minutes each; that immediately following the disposition of these listed amendments, the Senate proceed to third reading and without further debate or motions of any kind final passage of the bill, as amended.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. To make sure I understand, amendments are in order but only second-degree amendments and no motion to recommit on any of those even without time limits?

Mr. MITCHELL. That is correct. That is the proposal. Now, I will say to the Senator, it is my understanding those are the provisions that are currently applicable under the agreement now in effect.

Mr. PACKWOOD. The reason I ask is I may, I am not sure because I am not sure how the debate is going to go, I may want to argue to recommit, and I hate to waive that right. I am not sure yet.

Mr. MITCHELL. I point out to the Senator, that is already in force. The Senator does not now have that right with respect to that amendment.

Mr. PACKWOOD. I appreciate that correction. With that, I have no objection.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I ask the majority leader that once the votes begin, they will proceed in sequence and there will be no motions, no debate, no other things in between the votes? They will just go on?

Mr. MITCHELL. That is correct. That is my intention. In order to accommodate the maximum number of Senators and to identify in advance as explicitly as possible when votes will occur, it is my intention that rollcall votes will commence not earlier than 4:45 p.m. on Tuesday and that the first vote will be 15 minutes. The succeeding votes would be 10 minutes on the amendments and then there would be a vote on final passage.

I emphasize to the Senator because we discussed prior to this colloquy his concerns for that date, since there are no time limitations on two of the amendments to be considered on Tuesday, both of which are important matters which Senators have expressed appropriately an interest in possibly debating at some length, I cannot assure the Senator from Minnesota or anyone else that the votes will commence at 4:45.

This provides they will commence no earlier than that, but if we are through debating the amendments by then—and I hope to try to get an agreement to that effect on Tuesday when the Senators involved have had a chance to review and consider the matter further—I hope to pin it down specifically to 4:45 on Tuesday.

Mr. BOSCHWITZ. I thank the leader.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Perhaps I did not hear the agreement well, but the way I understood it any votes that would be ordered on Friday or on Tuesday prior to the hour of 5 o'clock p.m. Tuesday would be stacked, votes to begin at 5 o'clock—at 4:45 on Tuesday. Am I correct?

Mr. MITCHELL. No. I changed the language on the typewritten document which the Senator now has to state not earlier than 4:45, for the reason that when this document was typed it was anticipated that there would be time agreements with respect to each amendment. Since then it has become clear through discussions with interested Senators with respect to the two amendments which I identified, Senator KASTEN's amendment on section 89, and Senator MCCAIN's amendment on catastrophic health, that Senators opposing those amendments will not now agree to a time limitation. Therefore, it is not possible to fix a specific time to vote. But to give Senators the maximum advance notice, it is my intention that the votes will occur beginning at 4:45, in any event not earlier than 4:45. I repeat that I hope on Tuesday morning—and I will make another effort to obtain an agreement—to specify it precisely 4:45. At this time we are unable to do that.

Mr. BYRD. Mr. President, reserving the right to object, the agreement as read does not rule out tabling motions, so when all debate on an amendment has run its course where there is a time limitation on the amendment, I simply announce that I would make a motion to table but not at that point because under the agreement no rollcall vote could occur and it would be clear on the record that a motion to table would be made no earlier than 4:45 on Tuesday.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Reserving the right to object, I first say to the majority leader that under the present unanimous consent request we have a limit of 30 minutes equally divided on the Kasten amendment with regard to section 89. I wanted to say to the Senator that I know he is unable to get all the parties involved to agree with this right now, but I would be agreeable to 30 minutes equally divided. I am agreeable to an hour equally divided. I will work with the Senator in terms of doing that. Is my understanding correct that at this point the Senator is not able to agree to a time limit on that amendment?

Mr. MITCHELL. The Senator is correct.

Mr. KASTEN. I just have one further clarification. The Senator listed a number of amendments including my amendment on section 89, an amendment by Senator WARNER, two amendments by Senator HELMS and an amendment by Senator MCCAIN. The Senator is not assuming that the amendment will necessarily appear in that set order; that on Tuesday next we will have an opportunity to work our way through all of these different amendments, and that is not necessarily the set order in which they are going to come before the Senate, is that correct?

Mr. MITCHELL. That is correct. Indeed, it is my intention, attempting to make the most sufficient use of the Senate's time, that we would begin by taking up those amendments with respect to which there is a time agreement and while those are being considered to seek to obtain time agreements with respect to the remaining two.

Mr. KASTEN. I thank the Senator and I have no objection.

Mr. EXON. Mr. President, I apologize to the majority leader, reserving the right to object, and I hope that I will not but I need a clarification. I was not here to hear the arrangement proposed with regard to the catastrophic amendment that is intended to be offered, as I understand it, by Senator McCAIN. I intend to basically support the McCain amendment. I understand that there are other Members who may provide amendments to that in the second degree or they could go the substitute route.

While I support the McCain thrust, there is an additional matter that I think should be included in that proposition. I am only rising to see if I can get some kind of understanding with the majority leader. If I do not object to this unanimous-consent agreement, would the Senator from Nebraska have an opportunity and can I be assured of an opportunity to offer an amendment to the McCain amendment provided my concerns are not included in his amendment?

Mr. MITCHELL. Under the proposed agreement, there will be no limitation either on time or amendments to the McCain amendment other than that the second-degree amendment be relevant.

Mr. EXON. Be relevant.

Mr. MITCHELL. Be relevant, right. The Senator would be free to offer a relevant amendment to the McCain amendment.

Mr. EXON. I thank the leader, and with that understanding I have no objection.

Mr. MITCHELL. Mr. President, could I just say to the Senator from Wisconsin, so that it be clear, there are three amendments with respect to which there are time agreements. Two of them may well not be offered. One of them has a maximum of 45 minutes, but I am advised that it may take much less than that. So I hope the Senator from Wisconsin and the Senator from Arizona will be here at 9 o'clock on Tuesday morning ready to proceed to their amendments. We really must complete action on this bill on Tuesday. They have the most controversial amendments with respect to which we cannot get a time agreement, and I hope very much that come Tuesday morning, although we may not go right to the amendment at 9 o'clock, the Senators be here and ready to go because it could be shortly thereafter.

Mr. McCAIN. Mr. President, reserving the right to object and I will not object, I appreciate the Senator's indulgence and that of the distinguished chairman of the Appropriations Committee. I should also like to state that I am prepared to enter into any time agreement reasonable on this amendment. I also look forward to any perfecting amendment that might be proposed by my colleague from Nebraska. But I repeat to the majority leader, I would be more than happy to enter into a reasonable time agreement such as a half-hour on each side or an hour on each side on this amendment.

Mr. MITCHELL. Mr. President, I would to ask the Parliamentarian to please give his attention to this. So that the Senator from Nebraska will not be in any way misled by my answer, there is no limitation now on relevant second-degree amendments to the amendment to be offered by the Senator from Arizona. However, under the rules, if another Senator were to gain recognition, offer an amendment that was in the nature of a complete substitute and it were adopted, it is my understanding that would preclude the Senator from Nebraska or anyone else from offering an amendment to that. I believe that to be correct. So the Senator should be aware in that regard. I assume he was but I did want him to be misled by my earlier answer.

The PRESIDING OFFICER. The majority leader is correct.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Possibly the amendment that the Senator from Nebraska has in mind, which I think is well known to the Senator from Arizona, could be incorporated in his amendment. If so, I would have no objection, if I could just make sure that the amendment to which I have reference is with regard to a detailed study with regard to the possible overcharges on the premiums. Other than that I have no quarrel with what I understand is going to be offered by the Senator from Arizona, although I have not seen the final text of what he intends to offer. I might ask the question at this time, Is the amendment that the Senator from Arizona intends to offer identical to the bill the Senator previously offered on this subject?

Mr. McCAIN. Mr. President, I would like to respond to my colleague from Nebraska by saying yes, it is, and I would be pleased to include his addition to the amendment concerning a detailed study about financing and the possible overcharge in the amendment. I think that would make things a lot easier for all concerned. I appreciate his input.

Mr. EXON. With that understanding, I think that solves the problem. I think we have an understanding, the Senator from Arizona and the Senator from Nebraska. If the amendment that I have in mind, which I am sure the Senator from Arizona is very familiar with, can be incorporated in his amendment, then that would suffice as far as this Senator is concerned.

I thank the Chair. I thank the Senator from Arizona. I thank the leader.

Mr. MITCHELL. Mr. President, I therefore renew my unanimous-consent request.

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, I at this point in the proceedings want to thank the majority leader for his extraordinary patience and kindness in his accommodation to the minority leader whose schedule precluded him from being here, a schedule well known to the majority leader for many days.

On behalf of the leader, I appreciate indeed his willingness to accommodate, and it has been a distinctive pleasure to see the majority leader present to our side of the aisle the various options this evening, which have been fairly presented, and weighed to move this particular piece of legislation. The staffs can begin to work. They are beginning to work on these amendments. They know what they have to do. And with the funeral services for our dear departed colleague, Claude Pepper, we should be able to proceed without any hindrance with what we have to do in conference.

I thank the majority leader.

The PRESIDING OFFICER. Without objection, the unanimous-consent request propounded by the majority leader is agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it is, I believe, stating the obvious that there will be no more rollcall votes tonight.

Mr. President, I want to thank all of my colleagues for their cooperation in this matter, most especially the distinguished chairman and ranking member of the committee. I think this clears the way for final action on this matter sometime on Tuesday late afternoon or early evening.

I thank the chairman for that.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. MITCHELL. Yes.

Mr. BYRD. I wonder if we could have an understanding that we would make every effort to finish this bill on Tuesday even though we may have to go very late Tuesday night.

Mr. President, I thank the distinguished majority leader for his cooperation, for his understanding, and for his very able assistance.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

AUTHORIZING USE OF THE SENATE HART OFFICE BUILDING ATRIUM FOR A CONCERT BY THE CONGRESSIONAL CHORUS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 140, submitted earlier today by Senator KERREY, authorizing the use of the Hart Office Building Atrium 1 day during the week of June 19, 1989, from 12 noon until 1 p.m., for a concert presented by the Congressional Chorus.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 140), authorizing Use of the Senate Hart Office Building Atrium for a Concert by the Congressional Chorus.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

S. RES. 140

Resolved, That the atrium of the Senate Hart Office Building may be used from 12 noon until 1 p.m. on one day during the week of June 19, 1989, for a concert of American music to be presented by the Congressional Chorus.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFERRAL OF S. 1073

Mr. KASTEN. Mr. President, on behalf of Senator STEVENS, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 1073, dealing with railroad retirement, and it be referred to the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from Montana [Mr. BURNS] as vice chairman of the Senate delegation to the Interparliamentary Union during the 101st Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 101st Congress, 1st session, to be held in Montebello, Canada, June 1-5, 1989: the Senator from Idaho [Mr. MCCLURE], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Mississippi [Mr. LOTT].

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business not to extend beyond 10:45 p.m. under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON, pertaining to the introduction of S. 1114 and S. 1115 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent that under the previous order the Senate stand in recess until 9:30 a.m. tomorrow, Friday, June 2, 1989.

There being no objection, the Senate, at 10:38 p.m., recessed until Friday, June 2, 1989, at 9:30 a.m.